



The English Catholic issue, 1640-1662: factionalism, perceptions and exploitation

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The English Catholic Issue, 1640-1662:
Factionalism, Perceptions and Exploitation.

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Abstract

This thesis explores the responses of different groups within the English Catholic community to the civil war, interregnum and restoration, with close attention to Catholic political theory. The English Catholic community were not mere observers of the constitutional and religious changes made during this period but manoeuvred within shifting political frameworks, continually adjusting their politics to meet new requirements. After the defeat and the execution of Charles I, members of the community made a series of compromises with political parties to secure toleration. Until the Restoration these were almost all to the exclusion of the Stuarts. Catholic political theorists engaged with the pro-sectarian, tolerationist principles of the parliamentary Independents during the first part of the Interregnum, but after the failure of the Cromwellian Church settlement in 1655 began to interact with anti-sectarian pro-episcopal groups during the decline of the Protectorate. Further, the community's membership of an international church, their ideological assumptions and patronage from, and allegiances to, European courts meant that English Catholics had to be an integral part of Cromwellian foreign policy. The 1650s did not signify a break in the politics and ambition of the community but instead saw a continuation of the divisions, back-biting and intolerance that Catholics had shown during the 1620s and 1630s. Due to the factional nature of both the politics of the interregnum and the community itself however, English Catholics stood to gain more from the Protectorate than they did from the Stuart monarchy. This thesis therefore reintegrates English Catholicism into the existing historiography of mid-seventeenth century British history.

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support (emotional and financial) and their unfailing belief in me. Without them none of this would have been possible and so I dedicate this thesis to them.

Abbreviations

AAW	Archives of the Archdiocese of Westminster, Kensington, London.
Anglia A	Anglia A volume 5, the Society of Jesus Archives, Mayfair, London.
Anstruther	G. Anstruther, <i>The seminary priests : a dictionary of the secular clergy of England and Wales, 1558-1850. Vol. 2, Early Stuarts, 1603-1659</i> (Great Wakering, Essex : Mayhew-McCrimmon, 1975).
Belson	Papers of Augustine Belson, Berkshire Record Office, Reading.
BL	The British Library, King's Cross, London.
BL Add Ms	The British Library Additional Manuscripts.
<i>Blacklo's Cabal</i>	R. Pugh, <i>Blacklo's Cabal</i> , 1680 ; with an introduction by T. A. Birrell (Farnborough : Gregg International, 1970).
Brudenell Ms	Brudenell Manuscripts, Northampton County Record Office, Northampton.
CCC	M.A. Everett Green (ed.), <i>Calendar of the proceedings of the Committee for Compounding, etc., 1643-1660</i> (London: H. M. Stationary off, 1889-93), 5 Vols.
Challoner	R. Challoner, <i>Memoirs of missionary priests as well secular as regular and of other Catholics of both sexes : that have suffered death in England on religious accounts from the year of our Lord, 1577 to 1684</i> (London: Burns, Oates & Washbourne, limited, 1924), 2 Vols.
CISP	Clarendon State Papers manuscripts, Bodleian Library, University of Oxford.
CSP Dom	W. Hamilton, S. Lomas (eds.), <i>Calendar of state papers: domestic series: preserved in the Public Record Office. Charles I, 1625-1649</i> (London: Longman, Brown, Green, Longmans and Roberts, 1858-1897).

CSP Dom Com	M. Everett Green (ed.), <i>Calendar of state papers: domestic series. Commonwealth, 1649-1660</i> (London: Longman and co and Truber and co, 1875-1886).
CSP Ven	A. B. Hinds (ed.), <i>Calendar of state papers Venetian. Calendar of state papers and manuscripts relating to English affairs, existing in the archives and collections of Venice: and in other libraries of northern Italy</i> (London: Longman, Green, Longmans, Roberts and Green, 1864-1947).
Drafts B Knaresborough	Selected Transcripts of the Knaresborough Ms, Jesuit Archives, Mayfair, London.
Foley	H. Foley, <i>Records of the English province of the Society of Jesus : historic facts illustrative of the labours and sufferings of its members in the sixteenth and seventeenth centuries</i> (London : Burns and Oates, 1877-1883), 7 Vols in 8.
HMC	Historical Manuscripts Commission.
JHC	<i>Journals of the House of Commons.</i>
JHL	<i>Journals of the House of Lords.</i>
Nicholas Papers	G. Warner (ed.), <i>The Nicholas Papers: correspondence of Sir Edward Nicholas, Secretary of State</i> (London: Printed for the Camden Society, 1885-1920).
NRO	Northampton County Record Office, Northampton.
OBA	Old Brotherhood Archives. Archives of the Archdiocese of Westminster, Kensington, London.
ODNB	<i>Oxford Dictionary of National Biography</i> (Oxford: Oxford University Press, 2004). Online Edition.
Raw	Rawlinson Manuscripts, Bodleian Library, Oxford University.
Thurloe	T. Birch (ed.), <i>A collection of the state papers of John Thurloe : Containing authentic memorials of the English affairs from the year 1638, to the restoration of King Charles II. Published from the originals, formerly in the</i>

library of John Lord Somers ... and since in that of Sir Joseph Jekyll ... Including also a considerable number of original letters and papers, communicated by ... the Archbishop of Canterbury from the library at Lambeth,... the Earl of Shelburn, and other hands. The whole digested into an exact order of time. To which is prefixed, The life of Mr. Thurloe: with a complete index to each volume (London: Printed for the executor of F. Gyles, 1742).

TNA	The National Archives, Kew, London.
TP	Throckmorton Papers, Warwickshire County Record Office, Warwick.
U DDEV	Papers of the Constable Maxwell family of Everingham, Caerlaverock and Terregles (including the Haggerston and Sherbourne families), Brynmor Jones Library, University of Hull.

Notes

Where I have quoted from seventeenth century sources I have modernised spelling and the use of capital letters. All titles of contemporary pamphlets have been kept in their original form. Dates are given in old style, but with the year regarded as beginning on 1st January.

1. Introduction

Histories of the English civil war tell us as much about the political environment in which they were written as they do about the seventeenth century. From the Whiggism of the nineteenth century and early twentieth century, via the Marxism of the 1950s and 1960s, to revisionism in the 1970s, 1980s and early 90s and the so-called post-revisionism of the late 1990s and early noughties, historians' focus has shifted from the elite to the bourgeoisie and even the lower orders; from state to locality; from political to religious to social; and from the English dimension to the British one. Yet the English Catholic community has never really been compatible with successive historiographic models of what happened between 1640 and 1660. As a result, it has hardly figured at all. When English Roman Catholicism has been integrated into a narrative of the English civil war, it has been understood in terms of anti-popery rather than English Romanism itself.

1.1. The place of English Catholicism within the politics of the Elizabethan, Jacobean and Stuart regimes.

Yet popery and anti-popery were crucial to the political environment which generated the conflict. The fear of a particular kind of European Catholicism had been ingrained into English consciousness since the death of Edward VI. The persecution of Marian Protestants provided one of the narratives available to Elizabethan puritans who argued for a particular approach to the evangelisation of the national Church. For some, the Elizabethan regime faced the possibility in the 1580s and 1590s of being sucked into a full-blown war of religion.

Most of those involved in the English Catholic 'mission' of the sixteenth century saw it as no more than an attempt to bring true Catholic religion to Elizabeth's realm.¹ William Allen established the English College at Douai in 1568 in order to train young Catholic men as priests to return to England to administer the sacraments and secure the continuation of the faith under the radar of the hostile government. Allen actively

¹ A. Pritchard, *Catholic Loyatism in Elizabethan England* (London, 1979), pp.8-9.

campaigns for several years for the papacy's permission to begin the mission in England. His persistence finally paid off in 1579. Under strict instructions that they were not to become involved in politics, two Jesuits, Edmund Campion and Robert Persons, were sent to England. Some historians argue that the mission was exclusively concerned with religious purposes and that in the face of increasingly severe penal legislation Catholicism became something of a seigneurial sect.² When Campion and Persons (both former Oxford dons) first arrived in England they claimed they were there solely for spiritual matters.³ Neither priest made direct contact with any member of the Catholic faction at court and neither discussed the pope's deposing power or the legitimacy of the queen's title. Despite the show trials of Campion and some of his associates in 1581 and the confrontation and eventual war with Spain, it is still argued by some historians that the Catholic community became a small 'introspective group', in the sense that their role centred around the households of a minority of the gentry and that they played 'a role in English history as only one element in the myth of Catholic danger'.⁴

Even if the mission had, however, been established on purely religious, non-political grounds at the beginning, shortly after Campion and Persons entered the

² C. Haigh, 'Revisionism, the Reformation and the History of English Catholicism' *Journal of Ecclesiastical History*, 36, 3 (July, 1985), pp.394-406.

³ P. Lake and M. Questier, 'Puritans, Papists, and the "Public Sphere" in Early Modern England: The Edmund Campion Affair in Context', *Journal of Modern History*, 72, 3 (September, 2000), pp.587-627, p.601. The mission's purpose was undoubtedly a spiritual one but the *act* of the mission could not help but make a political statement (Alexandra Walsham has shown that the mission had a spiritual nature in her 'Miracles of the Counter-Reformation Mission to England', *Historical Journal*, 46, 4 (2003), pp.779-815, at p.812). Thomas McCoog has suggested that both Persons and Campion believed that there were many people who did not completely support the Church of England, and so their mission was to confirm the faith of those who were wavering (T. McCoog, 'Playing the Champion': The Role of the Disputation in the Jesuit Mission', T. McCoog (ed.), *The reckoned expense: Edmund Campion and the early English Jesuits: essays in celebration of the first centenary of Campion Hall, Oxford (1896-1996)* (Woodbridge and Roehampton, 1996), pp.119-139, at p. 38). John Larocca has argued that the mission was viewed by Elizabeth and her Parliament as part of a papal and Spanish militant policy. At the time the mission arrived, Larocca argues, the papacy were supporting a rebellion and invasion in Ireland (J.J. Larocca, 'Popery and Pounds: The Effect of the Jesuit Mission on penal legislation', McCoog (ed.), *The reckoned expense*, pp.249-263, at p.253). Michael Carrafiello however, argues that the mission was in fact a political venture masked by 'religion' (See M.L. Carrafiello, 'English Catholicism and the Jesuit mission of 1580-1581', *Historical Journal*, 37, 4 (1994), pp.761-774). His argument seems to have missed the subtlety of the connection between spiritual and temporal authority faced by Roman Catholic clergy attempting to operate in a hostile country. Arnold Pritchard argued that Allen and Persons were 'politicians and political writers by necessity, not by choice' (Pritchard, *Catholic Loyalty*, p.37) and the mission certainly did change the nature of the relationship between English Roman Catholics and the State (Larocca, 'Popery and Pounds', p.263).

⁴ Haigh, 'Revisionism', p.399.

country their pastoral duties became a ‘full-frontal public challenge’ to the state and the queen.⁵ The beginning of the mission was not randomly timed; it coincided with the Anjou Match negotiations and the chance that the queen might marry a Valois prince. Not only would the match perhaps provide room for negotiated toleration of the community but it would also enable Catholics to support the queen by pledging their allegiance to her in the face of puritan criticism.⁶ From the mid-Elizabethan period, therefore, there was an association between what Catholics actually did and the Protestant anti-popish tradition. The former was not simply a myth deployed for the construction of the latter. Moreover, the interventions of Catholics in England, Scotland and Ireland during the later Elizabethan period came almost invariably at times when monarchical authority was under threat from a variety of Protestant and puritan critiques. Catholicism therefore became associated, in the anti-popish canon, with the inappropriate exercise of monarchical authority.

The Protestant anti-popish tradition was not diminished by the accession of King James I. James’s politicking and his determination not to commit himself to the pan-European Protestant cause allowed critics of the court to phrase their alternative agenda with reference to the danger of popery. Briefly in the early 1620s, the collapse of the negotiations for an Anglo-Spanish dynastic marriage alliance and the so-called ‘Blessed Revolution’, in which Prince Charles and the duke of Buckingham agitated in Parliament for a declaration of war against the Habsburgs, made a détente between the

⁵ Lake and Questier, ‘Puritans, Papists, and the “Public Sphere”’, p.606.

⁶ Ibid. pp.615-618; T. Clancy, *Papist Pamphleteers. The Allen-Persons party and the political thought of the Counter-Reformation in England 1572-1615* (Chicago, 1964).

court and its critics appear possible.⁷ But the basis for this reorientation in foreign policy was the dynastic alliance with France which brought Henrietta Maria to England. After Charles's accession in March 1625, the court was soon regarded by Buckingham's enemies as having been infiltrated by Catholics. The successive failures of the new course in foreign policy, the partial collapse of the French alliance and the means used to raise revenue for the war all resembled, to some, the product of a conspiracy which could as accurately be described as 'popish' as anything else.⁸ Charles's inclination to promote 'Arminian' clergy seemed to many the precursor of the reestablishment of some

⁷ Revisionist historians, in particular Conrad Russell, argued that the later part of James's reign saw a 'remarkable lack of religious and political polarisation' (C. Russell, *Parliament and English Politics 1621-1629* (Oxford, 1979), p.419). The only problems that remained between the crown and Parliament, Russell suggested, were purely administrative (Ibid). Yet these arguments have been reworked by post-revisionists who have pointed to a growing sense of anti-popery and fear of a 'disintegrating' continental 'Protestant position' (T. Cogswell, *The Blessed Revolution. English Politics and the coming of war, 1621-1624* (Cambridge, 1981), p.4). The Anglo-Spanish alliance proved a, if not the most, divisive act under the reign of James I. Not only was Spain, in many Protestant eyes, still aiming for a 'universal monarchy' after the protracted Anglo-Spanish Elizabethan war, but critics of the prospective marriage feared the impact of a Catholic queen on the nation's faith. They feared the possibility of toleration for Roman Catholicism (if not a complete counter-Reformation) as this was the first time that a royal marriage would not follow a confessional line. A Protestant king should marry a Protestant queen to safeguard the religion of the country (T. Cogswell 'England and the Spanish Match', in (eds.), R. Cust and A. Hughes, *Conflict in Early Stuart England. Studies in Religion and Politics 1603-1642* (London, New York, 1989), pp.107-133, at pp.111, 112). The collapse of the negotiations saw an 'unprecedented outburst of popular royalist and anti-Spanish sentiment' (A. Walsham, 'The Fatal Vesper'. Providentialism and Anti-Popery in Late Jacobean London', *Past and Present*, 44 (1994), pp.36-87, at p.38; Cogswell, 'England and the Spanish Match', pp.107-109). The euphoria of James's Protestant subjects was not just relief but a reaction to what they considered the 'turn of Christendom'. They expected an Anglo-Spanish war, 'a counter-blow', to combat Catholic Spanish aggression on the Continent (Ibid. pp.126-127). But, as Cogswell suggests, this anti-popish fear of a dynastic match between the Crown and Spain had a different aspect. This time people were scared of the king's intentions. (Ibid. p.129).

⁸ The Forced Loan of 1626, for example, caused debates concerning the extent of royal prerogative power. The legality of the loan was questioned by the Lord Chief Justice and fifteen leading peers who refused to subscribe to it. By January 1627 there was serious opposition to it from the localities and groups of gentry refused to pay. The ring-leaders of these groups were arrested, which only served to draw public attention to the 'severity of measures' used against them. (R. Cust, *The Forced Loan and English Politics 1626-1628* (Oxford, 1987), p.4). Uneasiness over the extent and legitimacy of royal prerogative power climaxed with the Five Knights case in November 1627, when leading refusers of the loan were tried publicly for their failure to cooperate. They had hoped that their trial would test the legality of the loan, but the issue was avoided. This seemed to many an abuse of royal authority (Ibid). There had always been in the eyes of puritans a link between arbitrary government/absolute monarchical rule and popery, so it did not help that the commissioners of the loan included leading Catholic gentry nor that Catholic lords and high-church clerics enjoyed an increased prominence at Court (R. Cust, 'Charles I, the Privy Council, and the Forced Loan', *Journal of British Studies*, 24, 2 (1985), pp.208-235, at pp.224, 235). Charles's declaration of war on France in January 1627 was interpreted even by those who had previously been of a loyal disposition towards the king in terms of a popish plot. The Reverend John Rous remarked that he thought it was a way 'to divert us from helping the protestants in Germany' (T. Cogswell, 'The Politics of Propaganda: Charles I and the People in the 1620s', *Journal of British Studies*, 29, 3 (1990), pp.187-215, at p.188).

form of Catholicism.⁹ In the 1630s, the appearance of both priests and the papal nuncio at court supported this view.

After the failed Bishop's War in 1639 (following Charles's attempts to enforce a new prayer book on the Scots) the king's authority started to crumble. The calling of the Short Parliament and the Long Parliament gave chances for Charles's Protestant critics to debate openly all their grievances over Charles's supposed misgovernment and to set limits on the royal prerogative. Then came the outbreak of the rebellion in Ireland in October 1641, when Irish Catholics led a pre-emptive strike on Irish Protestants, fearing that the Protestants of England, Ireland and Scotland were going to wipe out Catholicism altogether. News from Ireland told of Protestants being brutally massacred. There were graphic descriptions of rape, hanging and children burned at the stake.¹⁰ Worst of all, the Catholic rebels claimed that Charles had authorized them to take up arms against their Protestant countrymen. This followed rumoured discoveries of Catholic plots in England, including one designed to blow up the Thames and drown the City of

⁹ Protestant contemporaries did view Arminianism as the 'Trojan Horse' of popery (N. Tyacke, *Anti-Calvinists. The Rise of Arminianism, c. 1590-1640* (Oxford, 1987), p. 135). Anthony Milton's *Catholic and Reformed* has explored the connection in early modern Protestant thought between Arminian and Roman Catholic ideology. For example, Laudians would not condemn the Roman Catholic Church as a false church, they preached against predestination, implemented high-church forms of worship and regarded anti-Catholicism, or indeed puritanism, as 'a destabilising force', but would not accept papal authority. (A. Milton, *Catholic and Reformed. The Roman and Protestant Churches in English Protestant Thought, 1600-1640* (Cambridge, 1995), pp.529-532, 541). The rising influence of Arminianism did not just matter on a spiritual level, but had serious political ramifications too. David Como has shown that predestination was becoming an increasingly political issue throughout Charles's reign. As early as 1629 Calvinist preachers gave sermons arguing that Arminianism went against established practices of the Church of England and therefore threatened rights guaranteed by established law (see D. Como, 'Predestination and Political Conflict in Laud's London', *Historical Journal*, 46 (2003), pp.284-292, at pp.269-271). Recent historiography has shown that 'religion' and 'politics' cannot be neatly separated. Even though it has been successfully argued that Caroline Arminian/Laudian policies were not new, it was more aggressive enforcement (in particular the show trials in the Court of Star Chamber during the 1630s) that caused such deep religious divisions and accusations of popery (K. Fincham, 'Ecclesiastical Policies of James I and Charles I', pp.23-50; P. Lake, 'The Laudian Style: order, Uniformity and the pursuit of the Beauty of Holiness in the 1630s', pp.161-186; A. Milton, 'The Church of England, Rome and the True Church: The Demise of a Jacobean Consensus', pp.187-210 all in K. Fincham (ed.), *The Early Stuart Church, 1603-1642* (London, 1993).

¹⁰ Keith Lindley shows that the extent of the Thomason Tracts published at the beginning of the rebellion in 1641 to 1645 suggest that news of, and references to, the rebellion were very 'prominent' in reporting and would have reached a wide number of people (K. Lindley, 'The Impact of the 1641 Rebellion upon England and Wales, 1641-5', *Irish Historical Studies*, 18, 70 (1972), pp.143-176, at pp.144-145).

London.¹¹ It was widely feared that the Irish Rebellion was part of a larger plan, in which Welsh and English Catholics were fellow conspirators and would start their own rebellion with a view to ‘slaughtering’ English Protestants.¹² Protestant fear of Catholicism generated deep distrust of the seemingly popish king.¹³

These events from the beginning of the Scots Crisis in 1638 have been identified by revisionist historians as the ‘British Problem’, a chain of short-term consequential events which caused the civil war.¹⁴ Fear of popery was a crucial component in this. The evidence of royal willingness to use Irish troops in Scotland (if not actually in England) supposedly illustrated the corrosive effects of popery at the heart of court. This, in turn, led to fear of an Irish invasion or a popish plot. Jane Ohlmeyer’s study of Randal MacDonnell, marquis of Antrim, has strengthened this interpretation.¹⁵ Antrim was a man who seemed to embody the popish cancer eating away at the Caroline court. A Catholic Irishman, Antrim came to prominence by marrying Katherine, the widow of the widely despised duke of Buckingham, in 1635, securing him a favoured place at court.¹⁶ When Charles ran into trouble with the Scots in 1638, Antrim offered to rally the MacDonnell Irish clan against them. His troops never left Irish soil, as news of the plan leaked, causing moderate Scots to join with the Covenanters, as well as increasing animosity towards the king in England. Ohlmeyer suggests that Antrim hatched at least three further plots to send Irish troops to fight the Covenanters in Scotland between spring 1642 and spring 1644, with direct involvement from both Charles and Henrietta Maria. Only one of these plans succeeded. In 1644 Antrim managed to send a force of

¹¹ R. Castlemaine, *Reply to the Answer of the Catholique apology, or a cleere vindication of the Catholiques of England from all matter of fact charg’d against them by their enemies* (London, 1668), p.64.

¹² Lindley, ‘The impact of the 1641 Rebellion’, p. 152; R. Clifton, ‘The Fear of Catholics in England 1637 to 1645. Principally from central sources’, (Unpublished DPhil Thesis, University of Oxford, 1976), p.190.

¹³ Clifton, ‘The Fear of Catholics’, p.126.

¹⁴ For Conrad Russell it was the Irish Rebellion (C. Russell, *The Causes of the English Civil War. The Ford Lectures Delivered in the University of Oxford 1987-1988* (Oxford, 1990), pp.213) and for John Morrill it was ‘the struggle for the Covenant [that] led inexorably on to the War of Three Kingdoms, in which affairs of each other became inextricably bound up with the affairs of others’ (J. Morrill, ‘The Scottish National Covenant of 1638 in its British Context’, in his *The Nature of the English Revolution* (London, New York, 1994), pp.91-117, at p.114). Also see Clifton, ‘Fear of the Catholics’, p.331.

¹⁵ J. Ohlmeyer, *Civil War and Restoration in the Three Stuart Kingdoms. The career of Randal MacDonnell, marquis of Antrim, 1609-1683* (Cambridge, 1993).

¹⁶ Ibid. p.29.

nearly two thousand men to serve under the marquis of Montrose. In turn, Montrose secured several victories, worrying the Covenanters so much that they recalled many of their troops then fighting against the king in England.¹⁷ To add to the suspicion of a popish plot, Antrim was also approached to raise arms and money for the royalist army in 1645.¹⁸

In response to fears of a popish plot and to evidence of such popish alliances, the publication of anti-papist tracts and pamphlets attacking the king's 'evil counsellors' increased to astonishing rates as the civil war began.¹⁹ One of the best known was William Prynne's *The Popish Royall Favourite* of 1643, published by permission of Parliament.²⁰ This tract listed all the cases where the king had protected Catholic priests and gentry from the penal laws being enacted against them, either by letters of grace or warrants. Cases went as far back as the 1630s. Most of the information was taken from the findings of the 'House of Commons Committee for Inquiry after Papists' in 1640. Both the inquiry and Prynne's publication concluded that the fact that Charles was not even obeying the laws laid down against Catholicism indicated that he was a tyrant. Prynne accused the king and his evil counsellors of having 'violated, invaded the subjects, parliaments indubitable just rights, laws, liberties, privileges, properties all his reign ... and since his departure from this Parliament, have practised it in a far higher degree then ever'.²¹ Prynne believed the king would use Irish Catholic soldiers, along with English and Scottish Catholics to defeat the parliamentarians and 'extirpate' the Protestant religion. Prynne's call to arms followed:

¹⁷ Ibid. pp.14, 135.

¹⁸ Ibid. p.161.

¹⁹ See, the Thomason Collection held in the British Library; T. Watt, *Cheap print and popular piety, 1550-1640* (Cambridge, 1991).

²⁰ W. Prynne, *The Popish royall favourite: or, A full discovery of His Majesties extraordinary favours to, and protections of notorious papists, priests, Jesuits, against all prosecutions and penalties of the laws enacted against them; notwithstanding his many royall proclamations, declarations, and protestations to the contrary. As likewise of a most desperate long prosecuted designe to set up popery, and extirpate the Protestant religion by degrees, in this our realme of England, and all His Majesties dominions. Manifested by sundry letters of grace, warrants, and other writings under the Kings owne signe-manuall, privy-signet, his privy-councils, and Secretary Windebanks hands and seals, by divers orders and proceedings in open sessions at Newgate, in the Kings Bench, and elsewhere ... / Collected and published by authority of Parliament: by William Prynne, of Lincolns Inne, Esquire.* (London, 1643).

²¹ Ibid. p.72.

That English Protestant who can sit still and patiently suffer such bloody, barbarous, popish Irish villains to set foot on English ground for such a purpose, and not rise up in arms, siding with the Parliament, and Protestant party, against them, to expulse or cut them off, hath lost both the spirit of an English man, and the zeal of a real Protestant.²²

This is seen by revisionist historians as no more than propaganda; playing on a threat which had been long been established in the general Protestant consciousness to gain popular support.²³ The decision by the Long Parliament to publish their criticisms of the king earlier in November 1641 pays testament to this.²⁴ The Grand Remonstrance had been compiled by a parliamentary committee over ten months and detailed ‘all present evils and grievances of the kingdom’.²⁵ It provided ‘evidence’, dating back to 1625, of a popish plot intended to divide the king from his subjects. Spurred on by the Irish Rebellion, those behind the Grand Remonstrance named Jesuits, clergy, counsellors and courtiers as playing a part in the plot.²⁶ It is from this perspective that so many narratives of the English civil war have been written.

Catholics therefore played an important role in the circumstances leading to the English civil war, both as bugbears and as actual participants. Yet as agents of political change they are almost entirely absent from the historiography.

²² Ibid. p.73.

²³ For instance Michael Perceval-Maxwell cites the pamphlet *The True Demands of the Rebels in Ireland. Declaring the causes of them taking up arms* (1642), which lists one demand as the repeal of all legislation against Catholics in Ireland and England. Although Perceval-Maxwell argues that this was just propaganda and was not an authentic demand at all, it would have made sense from an Irish point of view (M. Perceval-Maxwell, *The Outbreak of the Irish Rebellion of 1641* (Montreal and Kingston: London, 1994), pp.271-272). Also see Clifton, ‘Fear of the Catholics’, pp.301, 328-329.

²⁴ Yet Ethan Shagan has shown that in particular reference to the Irish Rebellion, pamphlets fuelling popish plot fears were not just the product of puritan partisan propaganda. Instead these pamphlets fitted into pre-existing ‘conventional modes of analysis’ for understanding politics, the nation and the Protestant war against the Anti-Christ (E. Shagan, ‘Constructing Discord: Ideology, Propaganda, and English Responses to the Irish Rebellion of 1641’, *Journal of British Studies*, 36, 1 (1997), pp.4-34, at pp.16, 17, 33, 34). Shagan suggests the rebellion in Ireland did not ‘catalyse the breakdown’ of consensus in England but was ‘injected into an English political discourse that was *already* polarised’ (Ibid. p.33, emphasis in original). David Cressy supports this interpretation by arguing that the Protestation of 1641 and 1642 also ‘revealed divisions in allegiance and opinion’ (D. Cressy, ‘The Protestation Protested, 1641 and 1642’, *Historical Journal*, 45 (2002), pp.251-279, at p.251). The pledge’s ambiguous statements over politics and religion caused many hostile debates during the summer of 1641 between those who would take the Protestation and those who would not (Ibid. pp.257, 262). Cressy argues that those who refused to take the pledge ‘were not just entering an argument about the constitution or religion. They were making a point about changing political relationships’ (Ibid. p.278).

²⁵ M. Braddick, *God’s Fury, England’s Fire. A New History of the English Civil Wars* (London, 2009), p.169.

²⁶ Ibid. p.170.

1.2. The historiography of English Catholicism.

There have been several attempts to establish the extent of Catholic participation in the fighting, notably by Robin Clifton, Brian Manning and Keith Lindley, but the contribution of Catholics to mid-seventeenth-century ideological conflict has hardly been charted at all. The extent to which they engaged in Interregnum politics after the defeat of the king has also largely been ignored.

This is not to say that nineteenth and twentieth-century historians did not try to construct categories with which to analyse mid-seventeenth-century politics. The real problem has always been that those categories did not deal with the nuances of contemporary religious taxonomy; what historians of early modern Britain now refer to as ‘religious identity’.²⁷ For example, Marxist historians of the English civil war tended to adopt a ‘worm’s view’ of the conflict.²⁸ Christopher Hill and Brian Manning based their narratives on the supposed victory of a bourgeois political class over a decaying and increasingly irrelevant feudal elite.²⁹ Here, Catholics were seen as part of the collapsing feudal order. In fact Hill’s *World turned upside down* makes just three references to Roman Catholicism, one relegated to the footnotes.³⁰

One might have expected the revisionist scholars of the 1970s and 1980s to have dealt more effectively with this issue. There was a tendency to move away from high politics and instead look at the localities, and local studies have given us a much better understanding of the rivalry, political discontentment and religious divisions found in local communities on the eve of the civil war (and encouraged historians to look at allegiance, including popular allegiance), but this did not necessarily allow them to deal

²⁷ P. Lake and M. Questier, *Orthodoxy and Conformity* (London, 2000).

²⁸ C. Hill, *The English Revolution, 1640: An Essay*, (London, 1966).

²⁹ C. Hill, *The Century of Revolution* (London, 2002), pp.102-104; B. Manning, *The English People and the English Revolution* (London, 1991), pp.7, 46. These arguments, however, have been strongly refuted by Andy Wood who has shown that miners in Derbyshire were divided in their political allegiances during the civil war (A. Wood, ‘Beyond Post-Revisionism? The Civil War Allegiances of the Miners of the Derbyshire ‘Peak Country’’, *Historical Journal*, 40, 1 (1997), pp.23-40).

³⁰ C. Hill, *World turned upside down: Radical ideas during the English revolution* (London, 1972), pp.71, 178n, 276.

with the question of Roman Catholicism during the 1640s and 1650s.³¹ Invariably local studies throw up references to Catholic gentry families but, because they were barred from office as a result of their religion, they played little part in politics on a local level. The emphasis, therefore, is nearly always on their more important Protestant neighbours.³² The only two scholarly exceptions here are John Walter's *Understanding Popular Violence in the English Revolution*, which locates anti-papery at the heart of the Stour Valley Riots, and David Cressy's work on the effects of anti-papery on seventeenth century culture and politics.³³ The tendency, however, has been to write this group out of the narrative altogether.

³¹ Alan Everitt and John Morrill were really the pioneers of local studies (A. Everitt, *The Community of Kent and the Great Rebellion 1640-60* (Leicester, 1966); J. Morrill, *Revolt of the Provinces: Conservatives and Radicals in the English Civil War, 1630-1650* (London, 1976)). Inevitably the ensuing historical debates were drawn towards Everitt's and Morrill's emphasis on local rather than national political issues. They argued that the majority of the gentry in their studies were either ill-informed of state affairs or that their concern for general religious and constitutional issues was 'largely conditioned by local power structures' (Everitt, *Community of Kent*, pp.13, 43, 44; Morrill, *Revolt of the Provinces*, p.13). Ann Hughes and Clive Holmes have argued that such a view is misplaced as counties could hardly be isolated or the gentry ill-informed because of the 'highly structured' administrative, legal and cultural nature of England during the seventeenth century which meant that the gentry were well-educated and in touch with national politics. Their involvement in local government also meant that they were more aware of common law and held deep-seated beliefs on both religious and constitutional issues. (A. Hughes, 'Local History and the Origins of the Civil War', in R. Cust and A. Hughes (ed.), *Conflict in Early Stuart England: Studies in religion and politics 1603-1642* (London, 1989), pp.224-253, at p. 228; idem, 'The King, the Parliament, and the Localities during the English Civil War', *Journal of British Studies*, 24, 2, (1985), pp.236-263, at p. 238; C. Holmes, 'The County Community in Stuart Historiography', *Journal of British Studies*, 19, 2 (1980), pp.54-73, at pp.55, 59-62), idem; 'Centre and Locality in Civil War England', in J. Adamson (ed.), *The English Civil War. Conflict and Contexts, 1640-49* (Basingstoke, 2008), pp.153-174.

³² Everitt, *Community of Kent*; J. Morrill, *Cheshire 1630-1660: County Government and Society During the English Revolution* (Oxford 1974); A. Fletcher, *A County Community in Peace and War: Sussex 1600-1660* (London, 1975); A. Hughes, *Politics, Society and Civil War in Warwickshire 1620-1660* (Cambridge, 1987); M. Stoye, *Loyalty and Locality: Popular Allegiance in Devon during the English Civil War* (Exeter, 1994); D. Underdown, *Somerset in the Civil War and Interregnum* (Newton Abbot, 1973); A.R. Warmington, *Civil War, Interregnum and Restoration in Gloucestershire 1640-1672* (Woodbridge, 1997); A. Wood, *Nottinghamshire in the Civil War* (Oxford, 1973); P. Tennant, *The Civil War in Stratford-upon-Avon. Conflict and Community in South Warwickshire, 1642-1646* (Stroud, 1996); R.W. Ketton-Gremer, *Norfolk in the Civil War. A Portrait of a Society in Conflict* (London, 1969); E.A. Andriette, *Devon and Exeter in the Civil War* (Newton Abbot, 1971). For their references to the Roman Catholic families presiding in specific counties see Chapter 3. Also see C. Hibbard, 'Early Stuart Catholicism: Revisions and Re-Revisions', *Journal of Modern History*, 52 (1980), pp.1-34, at pp.1-4.

³³ J. Walter, *Understanding Popular Violence in the English Revolution. The Colchester Plunderers* (Cambridge, 1999); D. Cressy, *Bonfires and Bells. National Memory and the Protestant Calendar in Elizabethan and Stuart England* (Berkeley, London, 1989), pp.xi-xiii; idem, 'Lamentable, strange and wonderful. Headless monsters in the English Revolution', in L. Lunger Knoppers and J. B. Landes (ed.), *Monstrous Bodies/Political Monstrosities in Early Modern Europe* (Ithaca and London, 2004), pp.40-63, pp.52-53.

Who should be defined as a Catholic has proved a problematic issue. The assumption has generally been that only separatist Catholics should be recognised as the genuine article whereas it is at least arguable that the issue of Catholicism in civil war politics extends far beyond the relatively small number of separatists.³⁴

Interpretations of English Catholicism in the early modern period display a fair degree of historical schizophrenia. On one hand, the mainstream narratives of the Elizabethan period have reproduced contemporary fears of popish conspiracy, for example the plots associated with Francis Throckmorton, Anthony Babington and others. On the other, historians have also taken contemporary Catholic self-justifications at face value. English Catholics continually pledged their loyalty and allegiance to the State, and claimed that they distinguished between religion and politics. The uncertainty over which version of the Catholic community's beliefs and practices might be regarded as, in some objective sense, 'true', has led some scholars to argue that Catholics' self-characterisations must, to some degree, be accurate. For Robin Clifton, English Catholics during the first half of the seventeenth century were a group remarkable 'chiefly for its weaknesses', a reduced community torn apart by factional disputes and 'resigned to defeat'.³⁵ For Christopher Haigh, seventeenth-century popish plot fears were similarly misplaced.³⁶ He argues that by the 1630s, 'the Catholic community had become a tiny, introspective group, heavily concentrated around the households of its leading gentry and playing a role in English history as only one element in the myth of Catholic danger'.³⁷ In fact, he suggests, wealthy Catholic patrons in the 1630s refused to allow their chaplains even to cater to the local poor in case they provoked the government.³⁸

³⁴ Alexandra Walsham in her study *Church papists: Catholicism, conformity and confessional polemic in early modern England* (Woodbridge, 1993) does much to reintegrate non-separatist Catholics, or rather those Catholics who conformed (to differing extents). Her terminology has been challenged by Lake and Questier in their *Conformity and Orthodoxy*, pp. xiv. For further discussion see chapter 3.

³⁵ R. Clifton, 'The Fear of Catholics', pp.20-32; R. Clifton, 'The Popular Fear of Catholics during the English Revolution', *Past and Present*, 52 (1971), pp.23-55, at pp.34-5.

³⁶ C. Haigh, 'From Monopoly to Minority: Catholicism in Early Modern England', *Transactions of the Royal Historical Society*, 31, (1981), pp.129-147, at pp.132-3.

³⁷ C. Haigh, 'Revisionism, the Reformation' p.399.

³⁸ Haigh, 'Monopoly to Minority', p.145.

These historians tend to argue that, by the late 1630s and 1640s, articulating the fear of a popish conspiracy was simply a way to criticise publicly the king and royal policy. Catholics were therefore tolerated at a local level as many Protestants had little inclination to persecute them financially or physically.³⁹ For Clifton, the ‘curious laxity’ of recusancy law enforcement conveys the unthreatening, apolitical nature of the community.⁴⁰ He argued that policy towards the Catholics had undergone a radical change as far back as the last years of Elizabeth I’s reign, when the Privy Council decided that the majority of English Catholics posed no real threat to national security as they had given up all hopes of the restoration of the Catholic faith, and would therefore be open to ‘barter’ their loyalty for religious toleration.⁴¹ It was only when political tensions really mounted during the Short and Long Parliaments that tension spilled over into violence against local Catholics and their property, and those suspected of Catholicism too, particularly during the Stour Valley Riots in Essex.⁴²

These ideas have been taken one step further and included in the historical debates on military allegiances in the civil war. In other words, the assumptions that Catholicism was declining in political significance became linked with arguments that Catholics took little part in the fighting after 1642. Historians such as Lindley, David Underdown, John Morrill, Derek Hirst, Anthony Fletcher and Austin Woolrych all argue that most Catholics were neutral on the grounds that they wanted to avoid antagonising parliamentary forces, or that Charles I had done little for their relief, and so the community was not disposed to aid him financially or militarily.⁴³

³⁹ R. Clifton, ‘Fear of Popery’, in C. Russell (ed.), *The origins of the English Civil War*, (London, 1973), pp.144-167, at p.164.

⁴⁰ Ibid; K. Lindley, ‘The Part Played by the Catholics’ in B. Manning (ed.), *Politics, Religion and the English Civil War* (London, 1973), pp.126-176.

⁴¹ Clifton, ‘Fear of Popery’, p.166.

⁴² J. Walter, *Understanding Popular Violence*, pp.201-234.

⁴³ D. Hirst, *England in Conflict 1603-1660: Kingdom, community, commonwealth* (London, 1999), p.195; pp.89-95; Lindley, ‘Part Played by the Catholics’; Lindley, ‘The Lay Catholics of England in the reign of Charles I’, *Journal of Ecclesiastical History*, 22 (1971), pp.199-211; D. Underdown, ‘The Problems of popular allegiance in the English Civil War’, *Transactions of the Royal Historical Society* (1981), Fifth series, 31, pp.69-93; Morrill, *Revolt in the Provinces*; idem, *Cheshire*; A. Woolrych, *Britain in revolution, 1625-1688* (Oxford, 2002), p.250; P. R. Newman, ‘Catholic Royalists of Northern England 1642-1645’, *Northern History*, 15 (1979), pp. 88-95.

This picture of Catholic indifference alters, however, during the Interregnum. John Miller's, *Popery and Politics in England 1660-1688* agrees with revisionist arguments that the English Catholic community and Rome 'came to accept' the dominance of Protestantism and that, from Elizabeth I's reign, Roman Catholicism 'relapsed into passivity' because of its minority status.⁴⁴ Yet Miller identifies, during the Interregnum, a fringe group, the Blackloists, who attempted to begin a dialogue with the new political regime after the regicide. Unlike these 'extremists', the majority of the English Catholic community 'made no demands on Rome, Rome made no impossible demands on them', and neither did the state if they retreated from the political sphere.⁴⁵ The majority of Catholics, Miller asserts, did just that. They unwaveringly held their allegiances to the exiled Stuart monarchy throughout the Interregnum and involved themselves no further in political discourse, for example after their negotiations with the Army in 1647 failed, and the king was executed.⁴⁶

John Bossy and Hugh Aveling's attempts to look at the English Catholic community in some depth in the 1960s both assumed that Catholics were a community largely divorced from mainstream political culture. Aveling's *The Handle and the Axe* tackles Catholic participation in the English civil war in everything from militant to neutralist modes; those who supported the king unquestionably, those who felt unable to deny the king financial aid in fear of future persecution, and those who wanted no part in the conflict and did not want to antagonise the parliamentarians.⁴⁷ Though he deals with the experiences of the English Catholic community during the Interregnum and after the Restoration, he does not discuss the connections between the community and national politics. For instance Aveling asserts that a 'détente' was reached between the Catholics and the Protectorate, but does not explain how this had been achieved.⁴⁸ Aveling is not concerned with placing English Catholicism within a European political context and makes little attempt to investigate the divisions within the community itself, nor how

⁴⁴ J. Miller, *Popery and Politics in England 1660-1688* (Cambridge, 1978), pp.8, 30.

⁴⁵ Ibid. pp.42-3.

⁴⁶ Ibid. p.44.

⁴⁷ J. Aveling, *The Handle and the Axe. The Catholic Recusants in England from Reformation to Emancipation* (London, 1976), pp.165-170.

⁴⁸ Ibid. p.177.

these might have encouraged disparate responses to the exiled Stuart court and the Commonwealth and Protectorate. The absence of footnotes is infuriating to scholars who attempt to trace his research.

Bossy meanwhile, in his in-depth study of the English Catholic community from 1570-1850, was keen to state that he was not 'directly concerned' with the political context of the community's actions during this period nor the relations between England, Europe and the papacy, nor the way that these fragile relationships affected the English Catholics.⁴⁹ Bossy only set out to understand early-modern English Catholicism in its own terms. Although this study did much to educate historians about the divisions and difficulties amongst the English Catholics, in particular concerning the community's organisation, hierarchy, factions and missionary activity, it did nothing to counteract the vision of the community as an internalised group operating outside mainstream politics. Bossy was criticised by Haigh for using confessionalised Catholic sources too much on trust and out of context. Conversely, Haigh has been criticised for using too many hostile official or state-generated sources to research English Catholicism during the sixteenth and seventeenth centuries. Haigh does seem to get bogged down in number-crunching and struggles to establish what members of the community were saying in regard to national and mainstream political issues.

More recent research into the English Catholic community, particularly in the 1620s and 1630s, has addressed some of these criticisms of revisionist and Catholic histories mentioned above. Michael Questier's editions of Catholic newsletters written during the 1620s and 1630s have shown the dialogue between the English Catholic community and the state.⁵⁰ The community used the dynastic match negotiations of the early 1620s to negotiate with the State for toleration as well as to seek the reform of the community itself. Questier argues that the Catholic newsletters held in the Archdiocese of Westminster's archives show how far Catholics sought to intervene in contemporary politics. He demonstrates the rivalry between pro-Spanish and pro-French sections of the

⁴⁹ J. Bossy, *The English Catholic Community, 1570-1850* (London, 1975), p.6.

⁵⁰ M. Questier, *Stuart dynastic policy and religious politics, 1621-1625* (Camden Society, 5th Series, 34, 2009); idem, *Newsletters from the Caroline Court 1631-1638* (Camden Society, 5th Series, 26, 2005).

community and how this dominated the style and dynamics of their interventions in royal policy. Caroline Hibbard, building on Gordon Albion's study of the connection between Catholicism and Charles I, has also sought to describe the extent of Catholic interests at court through the 1630s and early 1640s.⁵¹

Royal policy during this period seemed to be radically affected by the politicking of advantageously placed Catholics around the Queen's court. Among them were Sir Kenelm Digby, Thomas Viscount Savage, Sir John Winter, Sir Toby Mathew and clergymen such as George Con or the future Abbé Montagu. The fact that continental-style Catholic radicalism rapidly became outmoded for English Catholics during the 1590s did not mean that Catholics played no part in late Elizabethan or Stuart politics.⁵² It is clear that all through the early Stuart period Catholics understood and exploited the twists and turns of royal policy, especially foreign policy.

The political experiences of the Catholic community during the 1630s, when the regime's anti-puritan tendencies became overt, meant that Catholics inevitably became caught up in the collapse of the Caroline regime.⁵³ The politics of the community in the civil war to some extent replicated the factional and ideological discussions of the 1620s and 1630s. Catholics continued to seek forms of influence and toleration, even after (in fact *especially* after), the king seemed certain to lose. This is something that has been largely ignored by historians of civil war politics, who have tended to see the war and interregnum as the working out of Protestant reactions to an attempt before 1640 to foist conformity on the Elizabethan Church settlement which it could not easily bear.

This is not to say that scholars have been entirely unaware of the political activities of the Catholics during the period after the royalist defeat in 1646. Thomas Clancy's 1971 article about the English Catholic community's negotiations with the Independents in 1647, showed the lengths to which parts of the community went to seek

⁵¹ G. Albion, *Charles I and the Court of Rome: a study in 17th century diplomacy* (London, 1935), pp.193-216; C. Hibbard, *Charles I and the Popish Plot* (North Carolina, 1983).

⁵² P. Marshall, *Reformation England 1480-1642* (London, 2003), p.192.

⁵³ J. Coffey, *Persecution and Toleration in Protestant England 1558-1689* (Harlow, 2000).

accommodation with the new regime.⁵⁴ Clancy also argued that divisions in the community hindered their chances of negotiating toleration from the State. Albert Loomie's posthumously published 'Oliver Cromwell's policy towards the English Catholics' dealt with foreign diplomats living in London and used their reports and correspondence to judge the extent of Cromwellian religious tolerance and the experience of the English Catholic community during the Protectorate.⁵⁵

More recently, intellectual historians have published work on the Blackloists, a group of Catholic priests led by Thomas White (alias Blacklo), who used Hobbes's '*Leviathan*' as a basis for their political ideology. Stefania Tutino has researched the group's political thought, paying special attention to their relationship with Rome, as well as to their connections with the Protectorate. She has argued that the papacy did not take action against the Blackloists' almost heretical ideas about papal power because it was only through the Blackloists that the papacy could enter into a dialogue with the new regime.⁵⁶ Tutino has also looked in depth at the philosophical and theoretical assumptions of the group in the context of seventeenth-century European intellectual debates.⁵⁷ Beverly Southgate likewise undertook a study of Blacklo's intellectual project. Southgate judges Blacklo to be a 'creative synthesiser of traditional Aristotelianism and Copernicanism and the new mechanical philosophy'.⁵⁸ He shows how the Blackloists' message 'articulated the ideals and aspirations' of the English Catholic clergy.⁵⁹ Jeffrey Collins has similarly dealt with the connection between Hobbes and the Blackloists, and the negative effect this relationship had on exiled Catholics and the Stuart court.⁶⁰ Anthony Browne's 2004 Cambridge doctoral thesis 'Anglo-Irish Gallicanism c. 1635-c.1685' looked in depth at the Blackloists' model of

⁵⁴ T. Clancy, 'The Jesuits and Independents: 1647', *Archivum Historiam Societatis Jesu*, 40 (1971), pp.67-90.

⁵⁵ A. J. Loomie, 'Oliver Cromwell's policy toward the English Catholics: The Appraisal by Diplomats, 1654-1658', *Catholic Historical Review*, 90 (2004), pp.29-44.

⁵⁶ S. Tutino, 'The Catholic Church and the English Civil War: The Case of Thomas White', *Journal of Ecclesiastical History*, 58 (April 2007), pp.232-255.

⁵⁷ S. Tutino, *Thomas White and the Blackloists. Between Politics and Theology during the English Civil War* (Aldershot, 2008).

⁵⁸ B. Southgate, 'Covetous Truth'. *The Life and work of Thomas White, 1593-1676* (London, 1993), p.ix-x.

⁵⁹ Ibid. p.39.

⁶⁰ J. Collins, 'Thomas Hobbes and the Blackloist Conspiracy of 1649', *Historical Journal*, 45 (2002), pp.305-331.

Gallicanism, their political theological significance and the importance of the Jacobean Oath of Allegiance to the formulation of their ideas.⁶¹

The drawback of this recent interest in Blackloism in the 1650s is that it has concentrated too exclusively on one minority group of radical clergymen, a famous philosopher and Sir Kenelm Digby. There has been little attempt to trace the political and religious ideologies of the rest of the English Catholic community (except those held by the Blackloists' most vocal and volatile critic George Leyburn) or to place Blackloism and English Catholicism within the political context of the 1650s. As a result there is still much to discover about English Catholic ideologies of the 1650s and how these should be integrated into our understanding of Catholic royalism during the English civil war. This thesis seeks to address these historical absences.

1.3. Outline of the thesis.

This study explores the relationship between the English Catholics and the State. It argues that the English Catholic community's ideological assumptions and patronage, and its European networks meant that Catholics were an integral part of both domestic and foreign politics throughout the seventeenth century. This is apparent from Catholic published work and repeated Catholic petitioning of the republican regime, the exiled Stuart court and the papacy in order to achieve episcopal government and State tolerance for English Catholicism. The national and international importance of the English Catholic community to politics was not lost on these parties. The exiled royalist Marmaduke Langdale wrote to Edward Nicholas, Charles II's secretary of state, that though the English Catholics may not have been considerable in England 'they are in this part of the world [the continent] and if they could be joined in the common interest' it would make the restoration of Charles II 'less difficult'.⁶² Indeed, the exiled court did much to woo the English Catholics. Equally, the State also attempted to entice the English Catholic community and the papacy into aiding its foreign policy and preventing any royalist restoration.

⁶¹ A. Browne, 'Anglo-Irish Gallicanism c.1635- c.1685', (Unpublished PhD Thesis, Cambridge University, 2004).

⁶² Nicholas Papers, Vol. III, p.54.

Peter Marshall has successfully argued that the terms ‘recusant’ and ‘Catholic’ are no longer ‘virtually synonymous’ terms. My research is centred on out-and-out (separatist) English Catholics.⁶³ In an attempt to address Christopher Haigh’s dismissal of the politicisation of the Catholic community, simply because the community functioned along seigneurial lines, this research is primarily focused on the Catholic gentry and clerics. These are the people who are easiest to identify, who were less likely to partially conform and who left paper trails. My research does not seek to answer the recurrent question concerning the size of the English Catholic community. I do not believe that the number of English Catholics *per se* is an indicator of their importance in domestic and foreign policy during this period. It has been suggested to me by Dr Andrew Foster that defining the English Catholics as a ‘community’ is problematic as the divisive nature of the English Catholics has meant that a ‘community’ did not actually exist. Nevertheless I use this term throughout the thesis on the basis that a group does not need to be cohesive to warrant being called a ‘community’. Further, from my research (and that undertaken by others) it seems clear that English Catholics identified each other as being part of some community even they did not always agree and, at times, downright hated each other. This notwithstanding, they viewed themselves collectively as operating separately (albeit at varying levels) from their Protestant counterparts.

This study concentrates on the sources generated by the contemporary English Catholic community, especially those overlooked to a large extent by modern historians. I have looked at the newsletters sent to Rome from the English chapter held at the archives of the Archdiocese of Westminster along with the material held at the Jesuit archive in Mayfair. The Archdiocese of Westminster’s Series A is an archival collection of the papers and correspondence of the English secular clergy. The material is mainly correspondence with the chapter’s Roman agent but also includes Synod papers, correspondence of clergy members from the Western, Midland and Northern Districts as well as correspondence with Irish bishops and the English Catholic colleges abroad,

⁶³ Marshall, *Reformation England*, p.186.

particularly with Douai from 1652 onwards. This material was collected, selected and bound in forty-nine volumes from 1880 to 1912. I have also used two bound copies, books one and two, of Old Brotherhood manuscripts also held at the Archdiocese of Westminster archives. These include letters to Bishop Smith, archbishop of Chalcedon, from members of the secular clergy and correspondence from the chapter to their agents in Rome. The collection also includes correspondence of an official nature from and to the chapter from various cardinals and nuncios, as well as Thomas White's and John Sergeant's correspondence. I have also used the Anglia A collections from the Jesuit archives in Mayfair, which include accounts from London to the General of the Society of Jesus, accounts of the executions and the last speeches of priests, correspondence between the Jesuit colleges on the Continent and copies and accounts of the proceedings of Parliament.

It should be recognised that all these collections have been selected by third parties and are in no way complete. It also needs to be acknowledged that there were many motivations behind the information and opinions conveyed in this correspondence. Parts were intended to impart news and to fuel factional disputes. The English Catholic clergy were also dependent on the Catholic colleges on the Continent for funding and training new priests and therefore both regular and secular correspondents to the colleges were mindful of the desires and conflicts within and between these colleges. Further, providing information about the levels of persecution and toleration of Roman Catholicism, particularly via the secular chapter's agent in Rome after 1655, was part of the secular clergy's campaign for a bishop and therefore should be treated carefully. These methodological problems have made it important to use 'hostile' or State generated sources alongside selected Catholic archival material. The opinions and beliefs of members of the English Catholic clergy and the community found in the Series A material, the Old Brotherhood collection and the Anglia A manuscripts used in this study have not been accepted at face value but have been corroborated by information imparted by Catholic and non-Catholic sources, as laid out below.

I have also looked at the Belson family archives held at Berkshire Record Office, the Throckmorton papers held at Warwickshire County Record Office, the Constable Maxwell family papers held at Brynmor Jones Library, University of Hull and the Brudenell manuscripts held at Northamptonshire County Record Office. Alongside these Catholic archives I have used contemporary English Catholic pamphlets and the published collections of the Catholic Record Society, and of Richard Challoner and Henry Foley. I have tried to avoid literal readings of confessionalised contemporary and modern Catholic accounts of the English civil war, Interregnum and Restoration by looking to Protestant and official government primary material to clarify or question Catholic accounts. Those Catholic records mentioned above have been complemented by the Foreign State Paper collections held at Kew, the published collections of the State Papers Domestic and the Committee for Compounding, the Evelyn and Middleton Papers held in the British Library, the Rawlinson and Clarendon State Paper manuscripts held in the Bodleian Library, University of Oxford, and the published collections of the Thurloe and Nicholas papers.

This thesis sets out an agenda for further research on mid-seventeenth-century English Catholicism. The scope of this project has not allowed further dedicated research into Catholic patronage networks similar to the methodology used by other investigations into the English Catholic community. Michael Questier's recent book *Catholicism and Community* has traced the patronage networks of the elite Browne family in Sussex during the sixteenth and early seventeenth centuries.⁶⁴ This research has contextualised the English Catholic community's activities and experiences within the political framework of the Elizabethan, Jacobean and Caroline reigns. Whilst addressing reactions to issues of conformity, succession and allegiance Questier has also directed attention towards the internal politics of the community, exploring factional disputes over hierarchy, organisation and missionary activity. It might be possible to undertake similar work for the period of the 1640s, 1650s and 1660s, but not within the confines of space and time in this thesis.

⁶⁴ M. Questier, *Catholicism and Community in Early Modern England. Politics, Aristocratic Patronage and Religion, c. 1550-1640* (Cambridge, 2008).

Initially I seek to show that Catholic political theory during this period (c.1640-60) can be traced to pre-civil war Catholic opinion on key political questions. I have revisited the question of anti-popery and its significance in the collapse of monarchical government. I have also researched the role of events during the 1620s and 1630s in establishing English Catholic religious identity, political behaviour and theological writing of the 1640s and 1650s. I have sought to show that the 1650s did not represent a break in the politics and ambitions of the community, as witnessed in the 1620s and 1630s, but instead were a continuation of the divisions, back-biting and intolerance that had surfaced during the marriage negotiations of the early 1620s and the ‘approbation’ crisis of the late 1620s and early 1630s.⁶⁵

Understanding this requires an appreciation of the different ways in which Catholics had responded to the civil war. This thesis does not attempt precisely to quantify the extent of Catholic royalism, probably an impossible question to settle given problems of measurement, definition and Catholic source material. Instead it concentrates on how Catholic actions were represented within and without the English Catholic community. Its analysis is not dependent on measuring the precise number of Catholics who took part on either side, or who kept their heads down and noses clean. Instead it is based on examining how Catholics thought and were thought about. I have looked at, in particular, how the defeat of the king affected the longstanding ideological divisions within the community. I also examine the origins of attempted Catholic compromises with subsequent regimes between 1647 and 1665 and how this affected the political assumptions and objectives of the Catholic community in exile. Crucially, I have explored the way in which Catholics pursued the possibility of de facto and even legal toleration under the republic and Protectorate and their connections with other sects, which emerged during this period. I have researched the way in which Catholic

⁶⁵ For the Approbation Controversy see A.F. Allison, ‘A Question of Jurisdiction. Richard Smith, Bishop of Chalcedon, and the Catholic Laity, 1625-31’, *Recusant History*, 16, (1982), pp.111-145. A number of influential Catholic gentry refused to acknowledge powers claimed by the recently appointed Bishop Richard Smith and alleged that his understanding of his jurisdiction could be seen as an ‘infringement’ of royal prerogative power (Allison, ‘Question of Jurisdiction’, p.112). Toleration for the English Catholic community depended upon the extent of the separation between temporal and spiritual authority. This thesis explores the conjunction and connection of these two spheres.

political theorists engaged with tolerationist ideas during the first part of the Interregnum and how, after the failure of the Cromwellian Church settlement in 1654, the Catholic community interacted with anti-sectarian pro-episcopal groups during the decline of the Protectorate.

I then look at how Cromwellian foreign policy affected the position of Catholics or, rather, the synergy between, on the one hand, long-established patterns of political debate and manoeuvre within the English Catholic community (particularly over Church governance) and, on the other, the relationship of the community to the Protectorate. I have managed to recover the political processes whereby it made sense for Catholic interest groups to approach and lobby the Protectorate regime in sync with the twists and turns of that regime's relations with continental European States.

I have, therefore, tried to align my research with the recent advances in historians' understanding of Cromwellian foreign policy. Steven Pincus's book *Protestantism and Patriotism* has sought to revise the idea that the first Anglo-Dutch war, beginning in May 1652, was the first great trade war. Instead Pincus argues that the English war with the Dutch 'arose out of deeply felt ideological conflict' whereby the English were aggrieved by the way they thought the Dutch had tossed aside all republican ideals for absolute monarchy.⁶⁶ Charles had struggled after 1625 to accommodate impulses for a 'Protestant-cause' foreign policy. Pincus argues that when the new political regimes of the Commonwealth and the Protectorate finally took charge they became aware of how difficult it was to implement one.⁶⁷ The Orange Party signified all that was wrong with monarchical government and, in launching an attack against the Dutch, the English were really defending their own understanding of republicanism. Further, the Protectorate's war with Spain was not, Pincus argues, an 'offensive crusade' but a 'defensive' war against the threat of the establishment of a

⁶⁶ S. Pincus, *Protestantism and Patriotism: ideologies and the making of English foreign policy 1650-1668* (Cambridge, 1996), p.190.

⁶⁷ S. Pincus, 'England and the World in the 1650s', in J Morrill (ed.), *Revolution and Restoration* (London, 1992), pp.129-147, at p.147.

universal monarchy.⁶⁸ Pincus suggests that the first Dutch war inaugurated ‘a new phase’, for English foreign policy, one that saw the relegation of religion as the main objective of foreign policy.⁶⁹ If the Commonwealth and the Protectorate were not attempting to implement an anti-Catholic foreign policy during the 1650s this would have significant ramifications for the place of Roman Catholics in any narrative of European or Cromwellian policy. It would also illuminate Cromwell’s exploration of alliances with France and Spain.

The thesis goes on to look at English Catholic pamphleteering during the Interregnum. It shows how Roman Catholic controversialists tried to integrate themselves into national political and religious debates. The conflict between Presbyterians and Independents during the 1650s over the way the national church should be governed created a space for Catholics to express their opinions on this matter. I argue that, as a result of Cromwell’s foreign policies and the Protectorate’s failure to create a national Church structure based on a general consensus, the English Catholics stood to gain more from the Commonwealth and Protectorate than they did from the monarchy.

The study ends by looking at the position of the community in the early part of the Restoration. It then places its findings into the context of recent research concerning James II, his style of Catholicism and the effects this had on the English Catholic community. The thesis closes by discussing not only the nature of Catholicism during the mid-seventeenth century but also how Catholics sought to identify themselves with a national and international politico-religious framework.

This thesis therefore adds to existing interpretations in four ways. First, methodologically, I use Catholic-generated sources throughout this thesis to shed light on the political discourse occurring inside and outside the English Catholic community.

⁶⁸ Pincus, *Protestantism and Patriotism*, p.191. Spain was one of the first states to recognise the Republic, partly because it wanted to recruit soldiers in Ireland. The London and Dublin authorities were willing for Spain to do this as they wanted to ‘rid themselves’ of hostile Irish soldiers (see M. Ó Siochrú, *God’s executioner: Oliver Cromwell and the conquest of Ireland* (London, 2008), p.230).

⁶⁹ Pincus, *Protestantism and Patriotism*, p.191.

Second, I explore more fully the discourse between the English Catholics and the State and chart the subtle changes in their politicking with monarchical and republican regimes. Third, I examine the English Catholic community on the eve of the civil war, during the republic and then at the Restoration, rather than isolating the English Catholic experience in the Interregnum. This allows me to set developments of the community into their proper historical context. Fourth and finally, therefore, I emphasise the importance of English Catholics to the understanding of seventeenth century history. The English Catholics were more than just a sect, and they played a greater part in national and international political and religious discourse than existing interpretations based on contemporary anti-popery would have us believe. They both exploited their position and were exploited by others.

2. English Catholics at the centre of the royal prerogative controversy

At the heart of anti-popery on the eve of the civil war, were religious issues that had become politically controversial during the early Stuart period and particularly during the later 1620s and 1630s. Charles's religious initiatives were seen not as a by-product, but as a direct consequence, of his misuse of royal prerogative power. The fear of Catholicism and the perception that Catholics were disloyal to the State were weapons with which to attack the Caroline regime, as they previously had been used on occasion to criticise the late Elizabethan regime.⁷⁰

There is extensive historical debate over the nature and validity of Protestant fears of Catholicism during this period, and their influence on the causes and timing of the English civil war. Carol Weiner has interpreted the fear of Catholicism as 'out of proportion to' any real danger, and neither the result of Protestant psychological insecurity.⁷¹ The English, she argued, over exaggerated Catholic abilities, believing that the Church of Rome had the power to launch a successful counter-Reformation and destroy the Church of England through foreign invasion or domestic 'disruption'.⁷² Weiner suggests that the source of this fear was Elizabethan English Protestants' doubts about the Church of England's strength 'in the face of the enemy'.⁷³ They matched the unified church structure of Catholicism against the fragility and divisions of the Protestant Church in England and believed their inadequacies would allow their powerful enemy to bring about their total defeat.⁷⁴ Robin Clifton has suggested that the stereotype of Catholicism threatening England was the result of two things, 'popular memory' of Elizabethan history (the very real threat of invasion and the uncovering of genuine popish plots against the monarch), and Protestant defeats on the Continent

⁷⁰ P. Lake and M. Questier, 'Puritans, Papists, and the "Public Sphere" in Early Modern England: The Edmund Campion Affair in Context', *Journal of Modern History*, 72, 3 (2000), pp.587-627 at p.625.

⁷¹ C. Weiner, 'The Beleagured Isle, A Study of Elizabethan and Early Jacobean Anti-Catholicism', *Past and Present*, 51 (1971), pp.27-62, at pp.28, 61.

⁷² *Ibid.* pp.49, 61.

⁷³ *Ibid.* p.41.

⁷⁴ *Ibid.* p.61.

during the 1620s.⁷⁵ Clifton's exploration of popish panics reverberating through the 1630s leads him to highlight their local basis and fundamentally 'political character'.⁷⁶ In other words, at a popular level, national politics were understood in terms of popery. Charles's abuse of the royal prerogative, the acceptance of Catholics at court and his refusal to help fight for the Protestant cause abroad were all seen as evidence of popish plotting which would forcefully change the Protestant State.⁷⁷ Yet for Clifton, fear of Catholics during the late 1630s and early 1640s was misguided.⁷⁸ The majority of the Catholics were loyal to the king and in fact were tolerated at a local level by their Protestant neighbours.⁷⁹ Caroline Hibbard has argued that popish plot fears were based on both 'fact and fiction'.⁸⁰ She suggests it was the existence of Catholics and papal agents at the Caroline court and the involvement of Catholics in the Scots crisis that ignited fears of a popish plot.⁸¹ The court Catholics were an 'unrepresentative minority' within the English Catholic community that had a 'disproportionate influence' on the national politics of the late 1630s and 1640s.⁸² Conversely, the English Catholic laity posed no threat to the State and were accepted on a local level by their Protestant neighbours.⁸³ The Catholic gentry had 'rejected their political duties advanced by the clerical party', by the end of Elizabeth's reign and had become an 'inward looking private' community.⁸⁴

Historical attention has therefore been focused on 'popular' anti-popery, the outbreaks of anti-popish protests and riots. Yet there has been no attempt to explore the

⁷⁵ R. Clifton, 'The Popular Fear of Catholics during the English Revolution', *Past and Present*, 52 (1971), pp.23-55, at p.52. These ideas are supported by John Kenyon and Jonathan Scott who argue that the Popish Plot fears of 1637-42, 1678-83 and 1687-9 should be understood within a European framework (J. Kenyon, *The Popish Plot* (London, 1972), p.2; J. Scott, 'England's Troubles: Exhuming the Popish Plot', in T. Harris, P. Seaward and M. Goldie (eds.), *The Politics of Religion in Restoration England* (Oxford, 1990), pp.107-131, at p.110, 114).

⁷⁶ Clifton, 'Popular Fear of Catholics', p.54.

⁷⁷ Ibid. p.52; idem, 'Fear of Popery', in C. Russell (ed.), *The origins of the English Civil War* (London, 1973), pp.144-167, at p.161).

⁷⁸ Clifton, 'Fear of Popery', p.166.

⁷⁹ Ibid. pp.165, 166.

⁸⁰ C. Hibbard, 'Early Stuart Catholicism: Revisions and Re-Revisions', *Journal of Modern History*, 52 (1980), pp.1-34, at p.31.

⁸¹ Hibbard, *Charles I and the Popish Plot*, pp.16, 49, 56, 108.

⁸² Ibid. p.5.

⁸³ Hibbard, 'Early Stuart Catholicism', pp.2-4.

⁸⁴ Ibid. pp.30, 34.

way in which English Catholics interacted with anti-Catholic rhetoric during the political clashes between the king and his critics on the eve of the conflict. This chapter seeks to address this absence by tracing, in particular, the clerical response to the political crisis and anti-popery of the early 1640s. Quickly, if momentarily, the Catholic clergy found themselves at the centre of the debates concerning religious and constitutional issues which were dividing the king from a large section of his subjects. The presence of (unmolested) Catholic clergy in England was used against Charles by his critics. The mission was an obvious target and one that was utilised repeatedly, during the early 1640s, to gain public support for Pym's junta. This did not, however, consign the Catholic clergy to the margins of politics but instead enabled them to manoeuvre around the political debates occurring in parliament and argue their loyalty to the king in a way they had not been able to do before. This chapter therefore reintegrates the experiences of Catholic priests into the concept of anti-popery in order to address the ideological issues raised by specific anti-popish and anti-Catholic criticisms at the centre.

2.1.1. English Catholics and definitions of treason.

Perhaps the most important issue concerning the mission in the run up to and during the civil war was the treason trials of missionary priests. Prosecutions of Catholic clergy became an issue between the king and parliament in the struggle to clarify the nature and extent of royal prerogative power. They also provided the English Catholic community with a potent way to represent themselves as persecuted, loyal subjects of Charles I.

Alan Orr has shown how ambiguous the treason laws were in England on the eve of the civil war.⁸⁵ Several statutes of treason existed at the time of the conflict, with new statutes introduced to counteract specific political threats. Therefore there was little clarity about exactly what treason statutes were in force when and, as a result of the statutes' indistinct wording what actually constituted treason could also be unclear.

⁸⁵ D. Alan Orr, *Treason and the State. Law, Politics and Ideology in the English Civil War* (Cambridge, 2002).

Treason law was based on a statute passed of 25 Edward III, which defined the offence as any action taken to violate or harm the king's person, levy war against the king, adhere to the king's enemies or kill any of the king's justices whilst the were undertaking their duties. The statute was developed further during Elizabeth's reign when a series of measures prohibited the influx and activities of missionary priests.⁸⁶ Their treason rested on the papacy's claims to depose a heretical sovereign. The legislative response to Elizabeth's excommunication and the implications this could have on her legitimacy as sovereign, was, in 1571, to define treason not just as regicide but as usurpation.⁸⁷ The classic articulation of this case was set out in Lord Burghley's *Execution of Justice* of 1583.⁸⁸ Because the missionary priests had sworn their allegiance to the pope, the queen's enemy, no missionary priest could enter the country without it being treason.⁸⁹ The so-called Jesuit act of 1585 followed the same principles. The statute ruled that it was treason for Jesuits or priests to enter the country, all priests had to leave the country within forty days, receiving priests was a capital felony and all English subjects that were being educated in the Catholic seminaries on the Continent were ordered to return home.⁹⁰ These treason laws stayed in force even during the Cromwellian Protectorate, but ambiguities remained. For instance at the time of Edmund Campion's arrest in 1581, he was charged with treason according to the Edwardian act rather than the Elizabethan one to seek a conviction on the basis of an actual (alleged) conspiracy concocted abroad, rather than for having contravened the new legislation's treason provisions.⁹¹ This was also true of Henry Garnet, the Jesuit priest executed for treason in the aftermath of the Gunpowder Plot.⁹² Orr argues that during James's reign juries continued to expand the legal boundaries of treason 'based on the exploitation of ambiguities' in the wording of the statute.⁹³ This meant that a clear and fixed definition of treason did not exist on the eve of the civil war. This had consequences for those evil

⁸⁶ Ibid. p.11, 16, 23.

⁸⁷ Ibid. p.23.

⁸⁸ P. Lake and M. Questier, 'Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England', *Past and Present*, 153 (1996), pp.64-107, at p.69.

⁸⁹ Ibid. pp.24-25.

⁹⁰ Ibid.

⁹¹ Lake and Questier, 'Puritans, Papists and the 'Public Sphere'', p.623.

⁹² Orr, *Treason and the State*, p.25.

⁹³ Ibid. p.26.

counsellors, Stafford and Laud, who were charged for treason against the king by Charles's parliamentary critics.⁹⁴ At times MPs seemed to argue that 'treason' was whatever the Commons declared it to be. The ensuing debates concerning the meaning and interpretation of treason statutes also had important consequences for English Catholics.

Conrad Russell, in his book of essays *Unrevolutionary England*, argued that the case against Strafford enhanced the doctrine of constructive compassing of the king's death.⁹⁵ This idea had been used in previous legislation against Roman Catholics, but had not been used in common law treason before.⁹⁶ Strafford was accused of attempting to alter government by shifting the basis of the king's authority to the use of force. This would make the king odious to his people, which would in turn put the king's life at risk.⁹⁷ In reality, Russell suggested, the Long Parliament was not concerned with the king's murder by 'some stray Felton', but were afraid of losing their legislative and taxation powers and the security of liberty and property to which common law entitled them.⁹⁸ Strafford was seen as encroaching on these things by royal prerogative. As Russell has it, when there was reason to distrust the royal prerogative there was greater need to safeguard against it; a 'sphere of government in which the prerogative has no place'.⁹⁹ Strafford had attacked key constitutional concepts which would divide the king from his people and thus threaten the king's life by destroying popular allegiance to the king. But as Russell illustrates, this idea of compassing the king's life was a dangerous concept, it could make Pym and his junto just as guilty of treason as Strafford. Pym, it could be argued, was causing a division between the king and his subjects by proceeding against Strafford and altering government. He was therefore endangering the king's life.¹⁰⁰ As Russell shows, the pamphlet entitled *A Brief Relation* quoted Strafford as suggesting that Pym 'might one day be attacked for persuading the House of Commons

⁹⁴ Ibid. p.28.

⁹⁵ C. Russell, *Unrevolutionary England, 1603-1642* (London and Ronceverte, 1990), pp.89-110.

⁹⁶ Ibid. p.92.

⁹⁷ Ibid. p.93.

⁹⁸ Ibid. pp.97, 99, 100, 104.

⁹⁹ Ibid. p.100.

¹⁰⁰ Ibid. pp.104, 105.

to commit the same crime that was laid upon him as a charge of treason'.¹⁰¹ This had important implications for priests charged with treason on the eve of the civil war.

This chapter suggests that the English Catholic community, and the priests in particular, were well aware of these debates and made use of them as best they could. The accounts of the priests' trials it uses are taken from mainly Catholic sources. There is no corroboration that these accounts were truthful reports of what had actually occurred. It is highly likely that they were part of the Catholic propaganda effort. For the purpose of this chapter, however, their truthfulness is not of paramount importance. Instead, it is interested in the way these trials were represented within the English Catholic community and on the Continent.

It is important to look at the case of the priest John Goodman first as, in many ways, the case was a precursor to Stafford's trial. The significance of this case has long been disputed. Historians have cited it as a straightforward issue of treason and have considered it one of the two treason trials held between 1640 and the Restoration in 1660 that were 'outside the mainstream' of the feud between crown and parliament.¹⁰² Closer analysis of this case, however, shows that the reprieve of John Goodman and the resulting furore were part of the ever-widening divide between king and parliament. It also contributed to the debates surrounding royal prerogative rule and the legality of such trials. It became a test case; if parliament managed to succeed against Goodman and the priest was executed, then it could launch an attack on both Strafford and Laud and impeach them both on charges of treason against the crown, which was punishable by death.¹⁰³ The English Catholic gentry viewed Goodman's trial with great interest. The Catholic gentleman Sir Robert Throckmorton was kept regularly informed with events happening in London, specifically of the trials of both Goodman and Strafford.¹⁰⁴

¹⁰¹ Ibid. p.105.

¹⁰² A. Hast, 'State Treason Trials during the Puritan Revolution, 1640-1660', *Historical Journal*, 15, 1, (March 1972), pp.37-53, at p.48.

¹⁰³ John Adamson's, *The Noble Revolt. The Overthrow of Charles I*, analyses this only within the constraints of mainstream historiography, that is, to look to the effect the Goodman case had on the dispute between the king and parliament rather than exploring its consequences for the English Catholic community (J. Adamson, *The Noble Revolt. The Overthrow of Charles I* (London, 2007), pp.166-7, 296).

¹⁰⁴ TP CR1998/Box 60/Folder 2/28, 29, 30, 31, 32, 35, 40.

The Catholic clergy were willing to take advantage of all the contention over the changing definition of treason to advance their own position and ultimately that of the community.

2.1.2. The trial of John Goodman.

John Goodman had been converted to Roman Catholicism in 1621, perhaps spurred on by the Spanish match negotiations, when he was about twenty-nine years old. He had travelled to the English Catholic College in Douai to be trained for the priesthood. On his return to England in 1631 he was apprehended and imprisoned in Newgate in 1632 but was discharged three years later. In 1637 a warrant was put out for his arrest again. The timing of the warrant is interesting. Goodman was the first cousin of Godfrey Goodman, the Laudian Bishop of Gloucester who converted to Catholicism on his deathbed. Throughout the 1630s Godfrey held well-documented meetings with both Gregorio Panzani and George Con, the consecutive papal agents at the royal court who were negotiating, among other issues, the possible reunion of the Church of Rome and the Church of England.¹⁰⁵ During 1637 Godfrey Goodman was also called before the high Commission at Lambeth for allowing quarter sessions to be held in the church. Strafford had spoken up in favour of Godfrey to the king.¹⁰⁶ The familial connection between priest and bishop had not gone unnoticed and perhaps explains why a warrant was released specifically for the arrest of John Goodman. Godfrey's dalliances with the court of Rome and protection from Strafford would not have recommended him to those, such as Alexander Leighton, who considered Strafford one of Charles's 'evil counsellors', nor those who took Goodman as a sign that Laudianism was the 'Trojan Horse' of popery.¹⁰⁷ The arrest and condemnation of his cousin would further publicise these grievances as well as handing out retribution to Laudians and Catholics.

John Goodman was finally caught at the end of August 1640.¹⁰⁸ He was found not guilty at his indictment because there was insufficient evidence to prove he was a

¹⁰⁵ G. Soden, *Godfrey Goodman, Bishop of Gloucester 1583-1656* (London, 1953), pp.246-258.

¹⁰⁶ Ibid. p. 266-267.

¹⁰⁷ N. Tyacke, *Anti-Calvinists: the rise of Arminianism c.1590-1640* (Oxford, 1987), p.135.

¹⁰⁸ Anstruther II, pp.132-133.

priest, but subsequently he was betrayed by another priest who remains unidentified in existing accounts. This was not as surprising as one might first think. The priest's connection with Goodman, the Laudian bishop, provided an opportunity for members of the Catholic clergy who were anti-Spanish or pro-French to portray themselves as Catholics loyal to the king by supposedly exposing a Catholic-Arminian plot.¹⁰⁹ Denouncing John Goodman therefore gained them the upper hand in a factional dispute.¹¹⁰ He was successfully convicted and on being found guilty of treason was condemned to death on 21st January 1641.¹¹¹ Following the queen's requests, however, Goodman was granted a reprieve.¹¹² Hot on the heels of the House of Commons report into reprieved priests heard at the beginning of December 1640, this news caused outrage.

The findings of the report were significant. The lawyer and MP John Glynne (who would become a prominent critic of the court and would take on a major role in the indictment of Laud and the impeachment of Strafford)¹¹³ reported back to the House of Commons about the findings of the Committee for Inquiry after Papists, on the 1st December 1640. The report, grounded in the examination of the keepers of only two prisons, Newgate and the Clink, declared that sixty-four priests and Jesuits, 'some indicted; some convicted of high treason' had been discharged in one year by either the privy signet or warrants from the lords of the council. The majority had been discharged by warrants written by Secretary Windebank.¹¹⁴ In seven or eight years, it was alleged, seventy-four letters of grace had been written, addressed to archbishops, judges and

¹⁰⁹ After the regime's decision against starting a war against Spain during the summer of 1637, the papal agent Gregorio Panzini and his successor George Con began to dismantle the queen's pro-French faction (which included some Puritans). With the help of these two agents, Wat Montagu and Lord Jermyn began to gather a party of Catholics and crypto-Catholics around her. In February 1638 a long time friend of the queen, the duchess de Chevreuse, came to England furnished with gifts from Philip IV and the queen began to speak openly of pro-Spanish sentiments, even suggesting a marriage between Princess Mary and the Prince of Spain (see M. Smuts, 'The Puritan Followers of Henrietta Maria in the 1630s', *English Historical Review*, 93, 366 (1978), pp.26-45, at pp.40-41). The pro-French section of the English Catholic community looked on these events with dismay and sought a way to destabilise the cohesion of the queen's new party.

¹¹⁰ This dispute will be explored in more depth later on in the chapter.

¹¹¹ TP CR1998/Box 60/Folder 2/30; Anstruther, II, p. 133.

¹¹² Henrietta Maria came under a lot of pressure from the papacy to protect her co-religionists and push for a reconciliation between Charles I and the court of Rome.

¹¹³ K. Lindley, 'Sir John Glynne (1603-1666)' *ODNB*.

¹¹⁴ JHC II, p.41.(1st December 1640); TP CR1998/Box 60/Folder 2/40.

other king's officers, in order to protect the named priests from harm; Windebank had issued verbal warrants too.¹¹⁵ Only one priest, however, named Morse (presumably Henry Morse the Jesuit) had been discharged by the king's hand, Glynne reported, and this only because the king had been misinformed that Morse had only been indicted rather than convicted of being a priest. The other warrants for discharges, it was alleged, had been at the request of foreign ambassadors and the queen mother, Marie de Medicis.¹¹⁶ Examples were then given of priests who had been convicted and discharged, including Edward Moore, who had been committed by 'the king's own hand' but then discharged by Windebank's warrant, 'without mention of the king's pleasure'.¹¹⁷ Glynne's report ends with this statement:

For these discharges of priests and Jesuits, not one of them standeth with the rule of law. When they are indicted and convicted, the king, the fountain of justice and mercy (and the law doth allow it) hath power to show mercy, upon any of his Subjects: But, in such cases, the king's prerogative speaketh by his privy seal signet, or great seal; and ought to discharge by record: But to send signification of pleasure, is against law. For a minister, either verbally, or by warrant under his own hand, not only to discharge men condemned, but to command no further prosecution, the committee doth conceive he doth not discharge his duty.¹¹⁸

Interestingly it seems that it was Windebank, not the king, who was considered to be at fault here. Glynne specifically said that Charles was acting within the boundaries of the law when he sought to discharge one of his subjects by prerogative power. It was this power, however, that would be questioned throughout Goodman's case and the other trials of apprehended priests and Jesuits that followed.

Goodman's third discharge, secured by the queen after he had been convicted of being a priest and thus guilty of treason, seemed so 'infinitely distasting' to the citizens of the City of London that they had made a complaint to parliament declaring that until Goodman was executed, they would pay no more taxes.¹¹⁹ The king's army, which had been used in the Bishop's Wars with Scotland, was still unpaid. Without the City's money it was feared that the army, already disaffected towards the crown, would

¹¹⁵ JHC II p.41.

¹¹⁶ Ibid.

¹¹⁷ Ibid. p.42.

¹¹⁸ Ibid. p.41.

¹¹⁹ AAW, A xxx, no.1.(A long letter, without signature or address, containing news religious, political and general, 29 January 1641); TP CR1998/Box 60/Folder2/28.

dissolve and leave the way open for the Scots to ‘come and take without asking recompense as they call it of the parliament’.¹²⁰ This put the House of Commons in a quandary. It did not want to be subject to such demands, nor did it want to put itself at the mercy of the Scots or witness public disorder. The citizens of London were told that the matter would be considered were quickly dismissed. A newsletter reporting Goodman’s case stated that the House lamented his reprieve saying it would ‘make their sessions fruitless if the execution of the cases were so depending on the kings prerogative that he might suspend them when he pleased’.¹²¹ It was decided that a committee should be sent to the House of Lords and a conference should be held between the two houses concerning Goodman’s reprieve. The Commons requested ‘a conference with your lordships, to crave your assistance, for the discovery of such instruments as have dared to intercede for the interruption of the course of justice against priests and Jesuits’.¹²² The Lords, on receiving the request decided to ‘acquaint’ the king with the message they had received from the Commons.¹²³ On the same day the king was attended upon by both Houses at Whitehall for a banquet. Charles made a speech in response to the events that had occurred in the last four months that had challenged the royal prerogative, most notably the meeting of the Long Parliament, the imprisonment of Strafford, the impeachment of Laud and the Root and Branch petition calling for the abolition of episcopacy. In his speech Charles made clear exactly what concessions he was prepared to make. He would reform the Church, removing recent Laudian innovations and returning it to its Elizabethan roots.¹²⁴ But he would not remove bishops and launched an anti-Puritan attack on the Root and Branch petitioners.¹²⁵ After the members of the House of Commons had withdrawn, Charles told the remaining members of the House of Lords that he would return to them his reasons for reprieving Goodman in two days’ time. It was now clear that Goodman’s would be a test case to determine the strength of royal prerogative power.

¹²⁰ AAW, A xxx, no.1.

¹²¹ Ibid.

¹²² JHL IV, p.141.

¹²³ Ibid.

¹²⁴ P. Lake, ‘Puritans, popularity and petitions: local politics in national context, Cheshire 1641’, in T. Cogswell, R. Cust and P. Lake (eds.) *Politics, Religion and Popularity in Early Stuart England. Essays in Honour of Conrad Russell* (Cambridge, 2002), pp.259-289, at p. 278.

¹²⁵ Ibid.

By Monday 25th January Charles had submitted his answer. He knew of Goodman's conviction, he said, because the Recorder of London had followed the established procedure of passing on to him only all the names of those convicted and an account of their offences. This was done, Charles alleged, so that he would have all the main facts to hand and would not be 'induced' in his decisions by interested parties to reprieve or not. According to the king's reply, Goodman was reprieved because he had been found guilty only of being a priest and not of trying to seduce the king's subjects into disobedience against the crown. He had not been condemned or banished before.¹²⁶ Charles argued that he was only following precedents set in the reigns of both James and Elizabeth who had 'been often merciful' in 'matters of blood in cases of this nature' and stated that he would not let a man suffer for his conscience alone.¹²⁷ Charles's solution to the problem was to agree to either the banishment or imprisonment of Goodman 'as their Lordships shall advise' to promise that he would take further action immediately to evict other priests and Jesuits from the kingdom.¹²⁸

This solution was understandable on two counts. Charles needed the City's money to help finance his army and so needed to inflict sanctions on the Catholic clergy to appease the citizens of London. Equally, however, he intended to protect his prerogative power and therefore could not let parliament dictate what he should and should not do, especially when he considered that his actions were already upheld by the law. If Charles gave in to parliament's demands it would have dire consequences for the imprisoned Strafford. The papal agent, Rossetti, wrote to the Cardinal Secretary, 'If Goodman lives the king holds on to his authority, if he dies, parliament will be freed to proceed against anyone with impunity'.¹²⁹ Goodman's case would ascertain exactly what concessions Charles would make and how far parliament could push him.

¹²⁶ JHL IV, pp.142-3.

¹²⁷ Ibid; TP CR1998/Box 60/Folder 2/31.

¹²⁸ JHL IV, p.143.

¹²⁹ G. Albion, *Charles I and the Court of Rome. A study in 17th Century diplomacy* (London, 1935), p.349.

There was a clear precedent for this. In James I's reign the 1624 parliament had tried the same tactic to see how much power they could wield over the king. At this time, during negotiations for the Anglo-French dynastic match between Prince Charles and Henrietta Maria, Catholics were agitating for tolerance. James had been compelled to issue a proclamation, on 6th May 1624, ordering all Catholic priests to leave the country by 14th June.¹³⁰ There was much speculation James had done this only in order to secure parliamentary subsidies. To test this notion an elderly priest, William Davies, was arrested on 17th June and sent to Newgate after being found guilty of not complying with the proclamation. Would James allow sentence to be carried out against him? The royal reprieve came at the last moment, as Davies arrived at Tyburn for his execution.¹³¹ This was a signal that James would not bow to anti-papal rhetoric. Charles himself had been through something similar before in the case of the priest Edmund Arrowsmith, in August 1628. When parliament was informed that Richard Smith, bishop of Chalcedon, was attempting to encroach on temporal authority, Arrowsmith, a recently arrested Jesuit priest was executed.¹³² At his trial Arrowsmith had produced three letters of favour from Buckingham, the queen and the king.¹³³ Each letter was dismissed, as the judge, Sir Henry Yelverton, was resolute that the priest should be accountable to the laws in force against the Catholic clergy. Arrowsmith was condemned. Yelverton had been a critic of Buckingham's policies and the power he had over both kings. He had spoken out against Buckingham in April 1621 to uphold the accusations levelled against him of false arrests and giving bad advice to the King James.¹³⁴ He was arrested after his speech, committed to the Tower and later found guilty of slandering Buckingham. He was given a royal pardon after he had paid his fine.¹³⁵ Strongly anti-Catholic, Yelverton used the case of Arrowsmith to question the authority of both the queen and Buckingham. His condemnation of Arrowsmith was intended to show that Buckingham's and the queen's

¹³⁰ M. Questier, *Stuart Dynastic Policy and Religious Politics*, p.82.

¹³¹ Ibid. p.83.

¹³² Arrowsmith had been arrested before but had been released at the time of the Spanish match negotiations (Challoner II, p.74).

¹³³ Questier, *Catholicism and Community*, p.465.

¹³⁴ S. R. Gardiner, rev. L. A. Knafla, 'Sir Henry Yelverton (1506-1630), judge and politician', *ODNB*.

¹³⁵ Ibid.

authority should not stretch beyond the law. Yelverton reportedly told Arrowsmith ‘the laws and statutes of the kingdom must be... respected or preferred before letters’.¹³⁶

In 1641 Charles’s decision concerning Goodman would serve as an indication of parliament’s ability to proceed against Strafford. Banishment or imprisonment would be seen, he hoped, as punishing priests without giving in to parliament’s demands. The king’s reply was reported to have been taken well by the Upper House, but did not receive the same approbation in the House of Commons.¹³⁷ As soon as the king’s reply was given, the Commons declared that it feared it would not be acceptable to the City, who would only settle if the priest were to be executed. Indeed, there were reports of people ‘about’ Newgate waiting expectantly for Goodman to be brought out and killed.¹³⁸ The issue was debated hotly in the Commons over the next couple of days. In an account of one such debate, one unidentified member of the Commons (most probably Glynne) believed that Goodman’s reprieve was a ‘mere plot’ between the king and the papists against parliament and that the whole situation was to ‘begin a deep foundation of his [Charles’s] prerogative royal by this little hole he had begun to cast up’.¹³⁹ He argued that if parliament allowed the king to use his prerogative power to reprieve Goodman whilst it was still sitting, he could not see the purpose of proving Strafford, Laud, ‘the judges and other delinquents’ guilty, since the king might use his prerogative powers to reprieve them too. Here he echoed Rossetti.¹⁴⁰ He demanded that the case and all other matters should be set aside and the House concentrate its efforts on securing parliament’s privileges from the king’s prerogative grasp. The report of these proceedings cites another member’s demand that parliament should either let Goodman die or repeal the laws against priests, ‘for if there were reason to make that law it was

¹³⁶ Questier, *Catholic and Community*, p.465.

¹³⁷ AAW, A xxx, no.1.

¹³⁸ Ibid.

¹³⁹ Ibid. None of the speakers in this account are identified but from the accounts of the opening session of the Long Parliament once can assume that the debate took place on the 27th January 1641. Sir Simond D’Ewes, in his diary, mentions that there was such a debate on this day but does not note the speakers. Sir Thomas Payton mentions that Edward Bagshaw, Sir John Trelawny and Alexander Rigby all spoke during the debate but did not record the arguments used in any depth (M. Jansson (ed.), *Proceedings in the opening session of the Long Parliament. 21 Dec 1640 – 20 March 1641*, 2 (Rochester, New York, Woodbridge, 2000), pp.279, 282-283).

¹⁴⁰ Ibid.

reason to execute it'. Since the reason for the law was grounded in the Gunpowder Plot, and those involved in that plot were punished, he saw no reason why it should still stand.¹⁴¹ Another MP argued that the law against priesthood had been necessary in Queen Elizabeth's day but priests were far less dangerous now. Queen Elizabeth had been in danger because Mary, Queen of Scots, threatened her throne and Elizabeth had been declared illegitimate by the pope and consequently not eligible to claim the Crown. Priests had been suspected of treason because they adhered to the pope against the queen, 'but none of these things did concur now in our present king... besides the papists did now rather too much adhere to the king then that could be suspected of treason against him'.¹⁴² Nevertheless, this speaker agreed that banishment for all priests was the preferable option. Other speakers protested that the priests were not so obedient to the king's command because although many them had been banished from the kingdom previously, they had almost all returned, and that in itself was treason. One MP looked closely at the king's reply and argued that since the king had declared that he had reprieved Goodman only because he had not been found guilty of persuasion to Rome, a priest named Southworth who *had* been accused by sixty people of seducing them to popery and had been condemned and imprisoned in the Gatehouse should be executed instead, as a way to satisfy the populace.¹⁴³ All agreed that some action did need to be taken to reconcile king and subjects. The fear was that with the kingdom in such disarray the Scots could operate freely in England and inevitably take control of parliament.

The Commons decided to ask the House of Lords for a further conference about Goodman's case in order to petition the king to execute him and put the extant laws against priests, 27 Eliz. Cap. 2 and 1 Jac. Cap. 4, into effect. This motion was intended not only to pacify the citizens of London, thereby securing the collection of their subsidies, but to react to the perceived influx of priests and Jesuits at this time, and specifically the presence of Count Rossetti, the pope's nuncio, at court, and the Masses

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ The priest is John Southworth who would become the second of the two priests who were executed on account of their priesthood during the Protectorate. He had also been included in the Committee for Inquiry after Papists as a priest who had been condemned and then released by Windebank.

celebrated at Denmark House and in ambassadors' chapels.¹⁴⁴ The Upper House debated the matter and when it was proposed to join the Commons in requesting the execution of the priest, the Catholic Lord Arundell of Wardour stood up and excused himself from the motion. He was followed by Viscount Montague, the Marquis of Winchester, and Lord Brudenell, who declared that it was not a fit thing of which to be part. After being accused of speaking 'against the laws of the kingdom' by Lord Saye, Brudenell protested that he had been misunderstood; he did not speak against the laws of the kingdom, but as a Catholic himself, he could not be party to a priest being executed just because he was Catholic. He also argued that there were enough men in the Upper House to condemn the priest to death without the Lords needing his vote as well.¹⁴⁵ The motion was passed. After the session had ended, Saye reportedly told Lord Brudenell that he 'commended his zeal and assured him he disliked not his reply'.¹⁴⁶

Both Houses presented their petition to Charles stating that under the Elizabethan statute Jesuits and priests who were ordained by the pope and who continued to remain in the kingdom were declared traitors and therefore should be punished as such. This statute and the supporting Jacobean statute were 'judged fit and necessary to be put in execution'.¹⁴⁷ The petition maintained that the result of these particular statutes not being put into force had been 'principal cause of the increase in popery' including open Masses at Denmark House and ambassadors' chapels.¹⁴⁸ The petition stated that 'some Jesuits and priests have been executed in the time of Queen Elizabeth, and King James of happy memory; and when any of them have received mercy, it was in such time, and upon such circumstances, as that the same might be extended to them without danger.'¹⁴⁹ Parliament argued that if Goodman were not executed, the citizens of London would not pay their subsidies which were necessary to supply the army and provide 'relief' for the

¹⁴⁴ JHL IV, p.146.

¹⁴⁵ AAW, A xxx, no.1.

¹⁴⁶ Ibid.

¹⁴⁷ 'Proceedings against John Goodman, a Seminary Priest condemned of High Treason: 16 Charles A.D. 1641, [4 Rushw. Coll. 2 Cobb. Parl. Hist. 710] in (ed.) T.B. Howell, *A complete collection of state trials and proceedings for high treason and other crimes and misdemeanours from the earliest period to the year 1783. Volume 4: 16 Charles I to 1 Charles II 1640-1649* (London, 1816-1828), pp.59-63, at p.61.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid. p.62.

northern counties from the Scottish army which was necessary in order to secure ‘the safety of your majesty’s person, and security of the State and government’.¹⁵⁰ The parliamentary argument was that the Elizabethan and Jacobean statutes had been written for the express purpose of defending the monarch and country from this threat.

The king’s answer came on 3rd February when he repeated his decision to parliament. He declared that he would stem the alleged increase of popery in the kingdom by issuing a royal proclamation commanding ‘papists and Jesuits...to depart from the kingdom in one month’ and after the time had lapsed any papist or Jesuit still residing in England would be ‘proceeded against according to the laws’.¹⁵¹ Concerning the presence of the papal agent, Carlo Rossetti, at court, Charles reminded parliament that it was ‘warranted’ by the articles in the treaty which governed his marriage to Henrietta Maria, but said that the queen would dispense of him ‘at a convenient time’ to satisfy his critics. On Goodman’s execution, Charles maintained that according to the precedents set by both Elizabeth and James, no priest should be executed ‘merely’ on account of his religion. But, on this occasion, Charles conceded, ‘to avoid the inconveniency of giving so great a discontent to my people’ he would pass the final judgment on Goodman to both Houses. He warned them of the possible effect their judgement would have on Protestants living abroad, especially in Catholic states, an argument to which James I had regularly resorted in the 1620s.¹⁵²

A day later Charles passed Goodman’s petition to the lord keeper so it could be read out in parliament. In it Goodman claimed that he would rather be executed than be the cause of such great discontent between the king and his subjects ‘...if this storm be raised for my sake, I may be cast into the sea, that others may afford the tempest ... [this is] the petition of him, that should esteem his blood well shed, to cement the breach between your majesty and your subjects on this occasion.’¹⁵³ The wording of Goodman’s petition conveyed the idea that the priest was in fact a loyal subject to the

¹⁵⁰ Ibid. pp.61-2.

¹⁵¹ Ibid. p.63.

¹⁵² Ibid.

¹⁵³ Ibid. p.64.

king and would graciously accept the ultimate sacrifice if this would end the recent hostilities; Goodman could portray himself as not only a martyr to the Catholic cause but also a martyr to the king's. This would become a position which the English Catholic community would happily use and exploit, as the conflict between king and parliament escalated.

Strafford's trial and subsequent execution followed, despite allegations of false evidence. In his last letter to Charles, Strafford imitated Goodman.¹⁵⁴ He declared:

‘It hath been my greatest grief in all troubles, to be taken as a person which should endeavour to be present and set things amiss between your Majesty and your peoples, and to give counsel tendering to the disquiet of the three kingdoms... Your Majesty and your people could never bee happy, till there were a right understanding betwixt you and them; no other means to effect, and settle this happiness, but by the counsel, and assent of the parliament; or to present their growing wills upon this state but by entirely putting your self in the last resort, upon the loyalty, and good affections of your English subjects’.¹⁵⁵

2.1.3. Goodman in political context.

Both Goodman's and Strafford's petitions can be read within the rhetoric of the campaign in which the king regained lost political ground. As mentioned above, calls for the abolition of episcopacy, most notably the Root and Branch petition of December 1640, had been one of the demands that Charles was unwilling to concede. During the Long Parliament nearly twenty petitions were submitted in defence of episcopacy and the prayer book.¹⁵⁶ The pro-episcopal petitioners, the most famous being the Cheshire gentleman Sir Thomas Aston, have, in the past, been regarded as middle-of-the-road Church-of-England men who would become the ‘constitutional royalists’ of the king's party at the start of the civil war. These petitioners allegedly wanted Laudian innovations, implemented during the Personal Rule, to be thrown out; they championed the ceremonial and liturgical history of the Church of England but without Laudian

¹⁵⁴ AAW, A xxx, nos.26, 9 (Lord Digby's speech in favour of Lord Strafford, 1641; Copy of the Earl of Strafford's letter to the King, May 1641).

¹⁵⁵ AAW, A xxx, no.9.

¹⁵⁶ J. Maltby, *Prayer Book and People in Elizabethan and Early Stuart England* (Cambridge, 1998), pp.176-7.

theology and ecclesiology.¹⁵⁷ These petitioners did not make the destruction of popery the central theme of their campaigns, but, it is argued, they were ‘hardly proto-anglo-Catholics’ as portrayed in ‘Anglican myth’ in the nineteenth and twentieth centuries.¹⁵⁸ Judith Maltby has described these petitions as a moderate campaign for conformity in a time of religious and political unrest. Further research, however, most notably by Peter Lake, has focused attention on the petitioners’ anti-puritanism.¹⁵⁹ As Lake argues, Aston used puritanism and Presbyterianism to create the impression of a threat to social and political order.¹⁶⁰ In his first petition in February 1641 he argued that those petitioning for the abolition of episcopacy were not just aiming for reformation but the ‘absolute innovation of government’ which had been approved and established by ‘the common and statute laws of their Kingdom’.¹⁶¹ He declared that the anti-episcopal petitioners were ‘dangerously exciting a disobedience to the established form of government’ in order to ‘introduce an absolute innovation of presbyterial government’.¹⁶² The anti-episcopal petitioners’ ‘arbitrary government of a numerous presbitery’ would, Aston claimed, be ‘dangerously conducive to an anarchy’.¹⁶³ Aston ended with a plea to the Long Parliament to ‘stop the torrent of such spirits before they swell beyond the bounds of government’.¹⁶⁴

These petitions therefore fitted in with Charles I’s assertions, specifically in the speech at Whitehall. Lake argues that Charles was attempting to make episcopacy a ‘wedge issue’ that would divide the Long Parliament and their Scottish allies. His anti-puritan rhetoric would serve as the ideological basis for the establishment of his own political party.¹⁶⁵ Aston’s petition (amongst the other thirty pro-episcopal petitions handed to the Long Parliament during 1641) was written at the right time, and its style meant its contents would appeal to a wider audience. Lake demonstrates that Aston’s

¹⁵⁷ Ibid. pp.130-131.

¹⁵⁸ Ibid. pp.103, 124.

¹⁵⁹ Lake, ‘Puritans, popularity and petitions’, p.263.

¹⁶⁰ Ibid.

¹⁶¹ AAW, A xxx, no.29.(A Petition Delivered in to the Lords Spirituall and Temporall, By Sir Thomas Aston, Baronet, from the County Palatine of Chester concerning Episcopacie).

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Lake, ‘Puritans, popularity and petitions’, p.278.

petitions should not be seen as ‘simple statements of ‘prayer book Protestantism’...but an elaborate coalition-building exercise’; the content was deliberately ambiguous so that it could mean different things to different people.¹⁶⁶

This is important because it was with this cause that Goodman and Strafford aligned themselves. Significantly, a copy of Aston’s petition is in the archives of the Westminster Archdiocese, indicating that it was sent to Rome. This seems unlikely to have occurred if it was regarded merely as a form of quasi-Anglican Protestantism. This anti-puritan, pro-episcopal stance gave at least some Catholics hope, just as the implementation of Laudianism had done in the 1620s and 1630s.

Thomas, Lord Brudenell, took part in debates in the House of Lords in defence of bishops and the royal prerogative. He along with the Earls of Bath and Bristol defended the thirteen bishops sitting in the House of Lords against attacks on them by Charles’s critics for their part in passing the ‘popish’ canons of the Convocation of 1640.¹⁶⁷ Included in the Brudenell manuscripts are two sets of notes for speeches he made around this time. Although neither is dated, their content suggests that they relate to speeches in the House of Lords during the sitting of the Long Parliament. In them, Brudenell defended the king’s prerogative by arguing that whoever called parliament could dissolve it; ‘Prerogatives once settled’, he wrote, ‘cannot be divested out of the crown’.¹⁶⁸ Brudenell continued:

Experience tells us kings and times will come out of revocation, resumption and repeals. In the interim it lies with the kingdoms like an infested wound that vexes to a frenzy... it were preposterous a parish priest should call a general council or the learned minister we have should congregate a provincial synod, let the derivate power be what can be imagined.¹⁶⁹

¹⁶⁶ Ibid. p.288.

¹⁶⁷ It was not just the ‘popish’ canons (including the formulation of an oath to detect Presbyterian sympathisers) that infuriated Charles’s critics but the Convocation continued sitting even after the king had dissolved the Short Parliament. This was part and parcel of the moves made by Pym’s junto to remove the temporal authority of the Laudian clergy (See W. H. Coates (ed.), *The Journal of Sir Simonds D’Ewes. From the First Recess of the Long Parliament to the Withdrawal of King Charles from London* (Yale, London, 1942), p.24fn; Adamson, *The Noble Revolt*, pp.417-418).

¹⁶⁸ Brudenell Mss, I.xiv.88.

¹⁶⁹ Ibid.

Constables and peers he stated ‘must be called by a superior’.¹⁷⁰ He even quoted from the medieval treatise *Bracton*, stating ‘Let no man presume to dispute of the deeds or acts of the king much less to oppose the same’ and that the king had the power to punish and restrain men.¹⁷¹ In the other manuscript Brudenell argued ‘for bishops’ by using past statutes to argue that bishops came by both ‘tenure’ and ‘writ’; ‘Prophets in the old bishops in the new. All summons are the kings’.¹⁷² He even spoke out against the Scots arguing, ‘This is no war as well was said but a rebellion nor is for religion, for were it so no Catholic could offer service’.¹⁷³

Brudenell also used arguments supporting the concept of divine right arguing that the king exercised judgements of God not man. ‘He who provokes the king’, Brudenell wrote, ‘sins against his own soul’. He continued:

Let every soul be subject to higher powers, for none but that God
Who resists power resists God and inconsequence who rebels against king does
so against G[od] and purchase damnation and were it not of this necessity we
know it and do obey for conscience sake.¹⁷⁴

Superiors of the English mission had sent orders to the Catholic clergy in England in 1639 to urge the Catholic laity to contribute to Charles’s war with the Covenanters in Scotland.¹⁷⁵ The need to prove themselves loyal subjects of the crown made it of the utmost importance ‘to have this business to be a good success’.¹⁷⁶

¹⁷⁰ Ibid.

¹⁷¹ Ibid; P. Brand, ‘Henry of Bratton [Bracton] (d. 1268), justice and supposed author of the legal treatise known as Bracton’, *ODNB*.

¹⁷² Brudenell Mss, I.xiv.83.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Albion, *Charles I and the Court of Rome*, p.334.

¹⁷⁶ Ibid. Appendix IX. This was an important opportunity to show the king Catholic loyalty in the face of Covenant subversion and Puritan sympathisers (Hibbard, *Charles I and the Popish Plot*, pp. 94-95). Caroline Hibbard has shown that Catholic monetary contribution to Charles’s war against the Scots caused far more trouble for both the king and the Catholics than its £14000 value justified (C. Hibbard, ‘The Contribution of 1639: Court and Country Catholicism’, *Recusant History*, 16, (1982), pp.42-60 at p.43). Hibbard suggests that the amount was much lower than expected because the system for collecting it was indirect and ill coordinated, rather than because of Catholic indifference to the king’s cause (Ibid, pp.46, 50). Hibbard looks to the county of Lancashire which had many Roman Catholic inhabitants. Here, organisation was slow and there were no real efforts to collect contributions until late April 1639, almost five months after the scheme was launched and only two months before the collection was due (Ibid, pp.46, 47, 48). There were no existing communication networks between the county Catholics and Catholics at court who were behind the idea, which only added to the slow response (Ibid, p.48). In spite of these difficulties (added to which were the difficulties caused by local Puritan agitation) Lancashire still managed to raise the sum required (Ibid, p.52).

2.1.4. Priests and treason after Goodman.

Goodman's case was, however, only the beginning of the involvement of members of the English Catholic clergy in the power struggle between Charles I and parliament. Goodman's case had, if anything, made the situation worse. The spectacle made Giovanni Giustinian, the Venetian ambassador in England, remark in a letter of 22nd February 1641 to the Doge and the Senate that the real motive behind the outcry '... was not religious zeal but a contumacious desire to deprive their prince of the use of his authority'.¹⁷⁷ John Goodman was never executed and died in prison in 1645.

Rossetti, the papal agent received at court after George Con's removal, noted to Barberini, the Cardinal-Secretary of State, that the Goodman affair 'has upset everything'.¹⁷⁸ Indeed, parliament was now more determined to ascertain the exact extent of papal influence in England and turned their attention to the papal agent at court. Both Walter Montagu and Sir Kenelm Digby were called before parliament to answer questions relating to Rossetti. Rossetti was then questioned by Sir Henry Vane, the Secretary of State, over rumours that the queen was planning a popish plot.¹⁷⁹ The nuncio replied he knew nothing of such a plot and there was no real evidence to be found against the queen. Parliament was still unhappy and petitioned the House of Lords for his removal. Henrietta Maria, realising that Rossetti was no longer safe and parliament would not rest until he had departed, wrote to Barberini in Rome asking him to recall the nuncio. He set sail for Dunkirk on 8th July 1641.¹⁸⁰

Six months after Goodman's case had reached its climax, Giustinian was personally drawn into the dispute between the king and parliament when his own English priest Cuthbert Clopton (alias Green) was arrested in July.¹⁸¹ Giustinian no doubt had been singled out by parliament because he had harboured Rossetti in his house, protecting him from parliament's demands to appear before the bar on the day he

¹⁷⁷ CSP. Ven. 1640-2, p.125.

¹⁷⁸ Soden, *Godfrey Goodman Bishop of Gloucester*, p.324.

¹⁷⁹ Albion, *Charles I and the Court of Rome*, pp.350-351.

¹⁸⁰ Ibid. p.357.

¹⁸¹ AAW, A xxx, no.12.(Account of the seizure and condemnation of the priest Green, July 1641).

was due to leave for France. A lengthy account of the incident was given by Giustinian in his correspondence with the Doge and Senate. On hearing the proclamation banishing all priests from the kingdom earlier in the year, Giustinian had reportedly informed parliament of the existence of the priest in his lodgings. The case had gone before parliament, and the Venetian was told that his priest was safe because he belonged to the ambassador. This was also Clopton's defence at his trial.¹⁸² He refused to answer whether he was a priest or not, insisting that this was for Mr Carpenter, the pursuivant who had arrested him, to prove.¹⁸³ He would admit only to being a servant of the Venetian ambassador, which meant that he could not 'be taxed for his religion'.¹⁸⁴

Outraged by Clopton's arrest, Giustinian appealed to the king. After the case went before the House of Lords, it was decided between the king and the Upper House that it was within Charles's power to release the priest himself. But when he ordered to have Clopton released, the secretary of state, Sir Henry Vane, told him that this could not be done without the consent of the House of Commons.¹⁸⁵ The process had to recommence. Charles submitted papers to the Upper House again relating to Clopton's reprieve. The House of Lords agreed on his release. The House of Commons also assented. Vane, however, when directed to let Clopton go, failed to do so. Clopton was publicly condemned in the sessions House for being a priest, along with a fellow priest, William Ward, and both were sentenced to death even though both Houses had agreed that he should be freed.¹⁸⁶ Vane made excuses as to why this had happened but suspended Clopton's impending execution by only a single day. According to Guistinian the result was a showdown between the king and Vane which culminated in the latter expressing his surprise that Charles should permit ambassadors to keep English priests as it was a blatant infringement of English law, 'He asserted boldly that the republic has

¹⁸² CSP. Ven. 1640-2, p.189.

AAW, A xxx, no.12.

¹⁸³ 'Mr Carpenter' is a reference to the apostate William Carpenter who was educated at St Omers and the VEC during the 1620s. He was sent to England in October 1631 but was converted before 1637 (Anstruther II, pp.46-47).

¹⁸⁴ AAW xxx, no.12.

¹⁸⁵ CSP. Ven. 1640-2, p.190.

¹⁸⁶ Ibid. p.191.

not the same sentiments towards the Roman court as other princes have and that this example would serve as a warning to the other ambassadors as well.¹⁸⁷

Nevertheless, Charles's doggedness seems to have worked, for Clopton was finally released and plans were made by Guistinian to send him abroad. No reprieve came for William Ward even though he had argued at his trial that the accusations made by the pursuivant Thomas Mayo were false. In Clopton's account of Ward's martyrdom, the three witnesses had not said anything 'to any great purpose'.¹⁸⁸ In another account of Ward's martyrdom the author commented that it appeared 'a little strange' that Ward should be singled out to be executed because there were several priests in prison who had already been condemned to death a long time before Ward had even been apprehended. The author seems to have thought it was due to 'Mr Ward's forsaking the Protestant Religion' which had helped to 'enflame the reckoning and bear some weight with the managers to give him the preference of his Senior Brethren'.¹⁸⁹ Ward was hung, drawn and quartered at Tyburn on 23rd July 1641.

In September of the same year, after Charles had left for Scotland, another priest, the Benedictine Edward Barlow, was also executed after being apprehended as he held a small service. The congregation asked the Constable on whose authority was he acting and demanded to see the warrant for Barlow.¹⁹⁰ There was none, so any arrest was actually illegal, but apparently Barlow opposed any rescue, preferring to offer himself to the constable instead. He was duly arrested. The account of his trial describes how the presiding judge attempted to lure Barlow into publicly criticising the king. Barlow was asked what he thought of the king and his predecessors who 'have given the royal sanction to those laws' of the condemnation of priests to death. Barlow refused to be ensnared by the judge's 'malicious design' and answered that he forgave 'the authors of such unjust laws, whoever they are'.¹⁹¹ Barlow pleaded not guilty to the charge of being

¹⁸⁷ Ibid. p.192.

¹⁸⁸ AAW, A xxx, no.17.(An account by Clopton (al. Green) of William Ward's martyrdom, 23 July 1641).

¹⁸⁹ Drafts B, Knaresborough MS, p.366.

¹⁹⁰ Ibid. p.370.

¹⁹¹ Ibid. p.372.

a traitor and condemned the judge for continuing to put to death innocent people.¹⁹² Barlow was, however, found guilty of treason and was executed on 10th September 1641.¹⁹³ The priest's willingness to allow his arrest in the absence of a warrant suggests the importance of martyrdom to the political advancement of the mission as a type of evangelising action.¹⁹⁴

2.1.5. The seven priests: treason and prerogative.

Not long after the death of Barlow came another high-profile case involving the Catholic clergy. Here eight priests were involved, one of whom was released through lack of evidence. The trial of the remaining seven began in November 1641 and all were condemned to die on 18th December, but their case became as lengthy and as drawn out as Goodman's and was passed between the two Houses for months on end. One of them, John Hammond, alias Jackson, was in service to Henrietta Maria. On 8th December 1641 the French ambassador, following instructions from Henrietta Maria, petitioned the king for their immediate reprieve. The king, taking into account the current political climate (the outbreak of the Irish Rebellion and his rejection of the Grand Remonstrance), and weary of the contention and division Goodman's case had caused, was adamant that further priests should not be reprieved without the consent of parliament. In fact the French ambassador had reasoned that the case of the priests 'may concern the business of Ireland' as a basis of his request.¹⁹⁵

Nevertheless, the House of Lords was approached privately concerning the issue and duly informed the lower House. The following day the House of Commons decided that they should examine the seven priests in question: John Austin, alias Rivers, a Benedictine; Edmond Friar and Peter Wilford, both Benedictines; Walter Coleman, a Franciscan and Hammond, Edmund Canon and John Wilmot, alias Turner and

¹⁹² Ibid. p.374.

¹⁹³ Ibid. p.375.

¹⁹⁴ For further discussion of the importance of martyrdom accounts to the identity of English Catholicism see A. Dillon, *The Construction of Martyrdom in the English Catholic Community, 1535-1603* (Aldershot, 2002).

¹⁹⁵ JHL IV, p.470.

Windmore, all seculars.¹⁹⁶ All had been found guilty of being priests and of seducing the king's subjects to popery. All had obviously not obeyed the last royal proclamation, issued on 11th November 1640, commanding priests to leave the country.¹⁹⁷ On examination all denied the charge of treason against the king, claiming that they had no prior knowledge of the rebellion in Ireland nor had taken part in conspiracies against the State.¹⁹⁸ Edmund Canon, on examination, also professed that he believed it lawful for English Roman Catholics to take the oath of allegiance. He argued that he and Peter Wilford had been imprisoned at the time the proclamation against priests had been issued, so there was no way that either could have left the country in accordance with it.¹⁹⁹ The results of the examinations were passed back to the Commons.

The next day the king sent a formal message to both Houses asking them whether all seven could be reprieved as requested by the French ambassador and urging them not to delay as the executions were scheduled two days hence.²⁰⁰ On receiving this message the House of Commons began to debate the priests' future. On the motion that they should all be executed, eighty-eight members voted against the motion and seventy-seven for it. Each priest's case was therefore discussed and voted upon individually. It was decided unanimously that the house should advise Charles that John Hammond, John Abbot, Walter Coleman and John Wilmot should be executed. The case was not so simple, however, when debate turned to the fate of Edward Canon and Peter Wilford.²⁰¹ Both priests had proclaimed in their examinations that they had been imprisoned at the time of judgment against them. This was seen by some as unjust. On this basis eighty-two MPs voted against Edward Canon being executed, against sixty-eight votes in favour. Peter Wilford escaped being condemned to death by just a single vote.²⁰² MPs were probably more in favour of reprieving Canon because he had taken the 1606 oath

¹⁹⁶ Coates, *The Journal of Sir Simonds D'Ewes*, p. 270; Anstruther II, and Bellenger, *English and Welsh Priests 1558-1800. A Working List* (Gateshead, 1984).

¹⁹⁷ *Seven Jesuits Condemned. Shewing Every particular thing in their Examination, and Confession, at the Sessions House in the Old Bayly in a true and exact Relation.* (London, 1641).

¹⁹⁸ Coates, *The Journal of Sir Simonds D'Ewes*, p. 270.

¹⁹⁹ Ibid.

²⁰⁰ JHC II, p.339.

²⁰¹ Coates, *The Journal of Sir Simonds D'Ewes*, pp.171, 173-174.

²⁰² JHC II, p.339.

of allegiance. A conference was set up between the House of Commons and the House of Lords, so the Lower House could relay their judgements to the Lords, on 13th December, the day that those priests condemned should have been executed. On that day judgment was relayed to the Upper House. The Commons demanded that interventions such as that of the French ambassador should never be allowed to occur again.²⁰³ Yet this was a contentious issue, as some members of parliament were concerned English ambassadors should still be able to aid English Protestant men who had been apprehended by the Spanish Inquisition.²⁰⁴

Parliament's decision to spare the lives of two of the priests and the consequent delay of the others' executions did not prove popular. Whilst the Commons were in conference with the House of Lords, a large crowd of people gathered outside Newgate prison to witness the anticipated executions. On learning that the priests would not be executed that day and that the Commons had 'freed' two of them, or at least that they were 'in hope of a reprieve', a riot broke out.²⁰⁵ The other prisoners who had been condemned to die with the priests were so angered by the rumoured reprieves, and so swept along by the injustice felt amongst the 'tumult of thousands' outside, that they seized the gaolers' muskets, powder and prison keys and took over the prison, shooting 'to defend themselves against the keepers'.²⁰⁶ Luckily for the gaolers a trained band happened to be passing through Newgate that same day and managed to force the rioters to surrender. On 14th December the rioters were hanged 'not without great murmuring of the common people', that the priests were still alive.²⁰⁷

The threat of civil disorder that the incident at Newgate had seemed to indicate made an impact on parliament. On the same day that the rioters were executed, parliament voted to execute all seven priests instead of just five; Wilford and Canon

²⁰³ Ibid. p.341.

²⁰⁴ Coates, *The Journal of Sir Simonds D'Ewes*, p.281.

²⁰⁵ Anglia A, v, no.7. (News of Priests convicted in Newgate on 11 December, 17 December 1641); CSP 1641-3, p.201.

²⁰⁶ Ibid.

²⁰⁷ CSP Ven 1640-1642, p.201.

were no longer safe.²⁰⁸ After much debate the House of Lords agreed with the Lower House's judgement and the lord chamberlain and lord steward presented the joint Houses' petition to the king who said he would consider it and return his answer shortly. The royal response did not come for four months, however, despite many inquiries from the House of Commons. As time wore on, parliamentary debate concentrated more upon the case of the Five Bishops, the trouble in Ireland and the county petitions than upon the condemned priests. A letter written by the Venetian ambassador to the Doge and Senate back in December 1641 concerning the priests, sheds light on the king's delay. Giustinian recounted about the priests' initial reprieve, and wrote:

When his Majesty learned of this he sent orders to the sheriffs to suspend the execution of the sentence. Now parliament repents of the concession and claim that the priests must die disowning the king's suspension and promise given to the ambassador...But the king stands firmly by his order to the sheriffs and will not draw back until parliament, having made up of its full numbers, decides otherwise by the majority of votes, which does not increase his popularity among the people.²⁰⁹

Charles expected the balance in the Commons to change, following his proclamation, then those who had been absent from parliament returned.²¹⁰

Charles therefore resisted parliament's petitions, in line with his earlier responses to challenges to his royal prerogative, especially in the case of Goodman, but there was also some confusion concerning the meaning of the term 'reprieve'. The reprieve granted by parliament was perhaps more of a 'stay of execution', so that both Houses could debate the case and come to an adequate judgement. From the outset, from the information conveyed in both the House of Commons and the House of Lords journals, it seems clear that parliament never intended to release all seven priests, although the Lords seemed, during the debates later stages, to favour banishment instead of execution.²¹¹ Nonetheless, Charles had given an informal reprieve of sorts to the priests after the condemnation by parliament. This he defended in April 1642 when the Commons finally petitioned the king directly.

²⁰⁸ JHC II, p.343.

²⁰⁹ CSP Ven 1640-1642, p.265.

²¹⁰ Adamson, *The Noble Revolt*, pp.464-649.

²¹¹ Coates, *The Journal of Sir Simonds D'Ewes*, p.288, fn.18.

This petition linked two issues connected with Charles's prerogative power, the magazine at Hull and that of the seven priests. It attacked Charles's prerogative power by demanding that he grant leave for the arms, cannons and ammunition held in Hull (left there from his war with the Scots) to be returned to the Tower of London.²¹² Charles's fury can be seen in his reply, 'We rather expected (and have done so long) that you should have given us an account why a garrison hath been placed in our town of Hull without our consent, and soldiers billeted there against law, and express words of the Petition of Right.'²¹³

Charles refused to consent to the relocation of the magazine, although the decision was out of his hands anyway. Not only had the Militia Bill been passed the month before, which meant that military authority had been transferred from the Crown to Lords Lieutenants chosen by parliament, but as he said, parliament had already garrisoned Hull and placed the MP Sir John Hotham there to act as governor. Hotham's orders were to give no-one access to the magazine 'without the king's authority signified unto him by the Lords and Commons House of Parliament'.²¹⁴ In other words, unless the order came from parliament, Charles would not be allowed into the town.

In answer to parliament's demands about the priests, Charles argued that they were reprieved 'by our warrant, being informed that they were (by some restraint) disabled to take the benefit of our former proclamation'. In fact, of course, only two of the seven priests had previously stated that they had been imprisoned on the proclamation's publication.²¹⁵ Charles further said that he had pledged not to reprieve any priest without parliament's consent who had been found guilty by law. Charles then attempted to play parliament's game by referring the case 'wholly' back to them 'if you think the execution of these persons so very necessary to the great and pious work of

²¹² JHC II p.519.

²¹³ JHL IV, p.722.

²¹⁴ JHC II, p.372. (12th January 1642).

²¹⁵ Ibid.

Reformation ...and the law to have the course'.²¹⁶ His unpopularity would only have increased if he had been seen to protect the priests any further.

Charles's answer placed the ball back into parliament's court, but unwittingly he had also managed to strand himself in a corner. Charles's response was bogged down in the legal argument that the power given Hotham to guard the magazine at Hull was against 'the law of the land, or the liberty of the subject'.²¹⁷ Charles declared such actions a 'violation' of his right and a breach of his privilege. He also accused parliament of hypocrisy: they based all their arguments against Charles on the pretence of upholding common law, but here they were flouting it.²¹⁸ Indeed, parliament had moved as early as 12th January 1642 to install Hotham in Hull; two months before the Militia Bill had been passed, an action Charles viewed as illegal.²¹⁹

But this posed its own problems for Charles. He had recently reprieved two further priests who had been imprisoned in York. John Lockwood and Edmund Catterick had been found guilty at the York Assizes. Now to fulfil the logic of his response to parliament, he had to recall the reprieves and sign their death warrants. The king had outmanoeuvred himself. Lockwood and Catterick were executed together at York on 13th April 1642.

Although the seven priests in Newgate were never executed but left to die in prison by parliament, other convicted priests would not escape the scaffold. In the year after the king's flight from London on 10th January 1642, following his disastrous attempt to arrest five MPs, eight priests were condemned and executed. There had not been so many executions of priests in one year since 1590, and the number was not exceeded until the Oates Plot of 1679.²²⁰ The execution of priests indicated parliament's growing strength against the king.

²¹⁶ Ibid.

²¹⁷ JHL IV, p.722. (16th April 1642).

²¹⁸ Ibid.

²¹⁹ JHC II, p.372. (12th January 1642).

²²⁰ In 1590 nine priests were executed and fifteen in 1679. C. A. Newdigate, *Our Martyrs. A Chronological List* (London Catholic Truth Society, 1930), pp.18, 31-32.

2.1.6. 1642 – Priests’ trials at the onset of civil war.

One of those priests executed in 1642 was the secular priest Hugh Green (alias Ferdinand Brooks, Brown, English and Callard) who was arrested whilst trying to board a boat in an attempt to obey the recent royal proclamation ordering all priests to leave the country. His apprehenders alleged he fell short of the time limit set out by the proclamation; Green argued it was only by a couple of days and was just an innocent mistake.²²¹ Green’s case is significant because throughout his trial he directly aligned his case with the royalist cause. Green questioned the legality of his trial in the same way that Charles and future royalists contested the legality of parliament’s attacks on the royal prerogative. He continually argued his innocence against the treason charge declaring he was ‘so far from guilt of this kind’ that he protested, with God as his witness, that he had never ‘wished any harm to my king and country in my life’.²²² He even asserted that he had prayed for the king in his memento and had constantly recommended Charles’s ‘person and cause’ to God in his Mass.²²³

It seems over zealous of Green’s apprehenders to have arrested him while he was trying to board a boat. Although he had exceeded the allotted time period set out by the proclamation, surely the point that he was trying, at best to adhere to it, and at worst belatedly to flee the country. Either motivation would still meet the aims of the proclamation and parliament’s desire to rid the country of priests. This sort of over zealous reaction was also evident elsewhere. A Catholic newsletter from England written on 21st June 1641, primarily concerned with prosecutions, had claimed that: ‘The pursuivants proceed in such exorbitant ways as never been heard of’.²²⁴ The newsletter described the incident of a friar who had been arrested along with other suspected papists by a group of pursuivants. One of those arrested was asked by the sequestration committee the reason why he had been brought before them. He replied that he did not know, as he had not seen the warrant for his arrest. The committee told him that he

²²¹ Anglia A, v, no.10. (Copy of Mrs Willowby’s account of Hugh Green’s martyrdom, 19 August 1642).

²²² Drafts B, Knaresborough MS, p.408.(Hugh Green, al. Ferdinand Brooks. P & M at Dorchester, 19 August 1642).

²²³ Ibid.

²²⁴ Anglia A, v, no.1. (News from England on the Persecution, 21 June 1641).

should have asked to have seen the warrant and then ten of its members dismissed the pursuivant saying that he had had no warrant. The friar was also released on the same grounds whilst the committee 'expressed their distaste in being importuned', 'rated' the pursuivants and 'sent them packing with a witness'.²²⁵

In fact, it appears that Green was a victim of circumstance. Dorchester, the town in which he was apprehended, tried and executed, was in the process of becoming the main focus of parliament's war effort in Dorset.²²⁶ As early as January 1642 supporters of parliament had been preparing for possible hostilities. By July, parliament had given the county of Dorset permission to recruit their own militia.²²⁷ By mid-summer Dorchester was beginning to feel under threat from an armed band of cavaliers who had settled just a few miles away from the town. The Marquis of Hertford had been driven out of Somerset by a parliamentarian uprising and took refuge at George, Lord Digby's, royalist 'stronghold' at Sherborne on the Dorset border.²²⁸ Local royalists in Dorchester had left to join camp with them. This worried the inhabitants of Dorchester so much that the town's gates were closed at 8p.m. and a watch stood guard throughout each night. Local reactions to Green's arrest were therefore the outcome of very specific anxieties about imminent conflict.

Green was subjected to a truly barbaric execution by the local barber-surgeon Barfoot, watched by a larger crowd than usual.²²⁹ Green was drawn and quartered whilst he was still alive. The 'unskilful fellow' Barfoot not only pulled forth Green's liver to show to the crowd in mistake for his heart but then continued to draw out Green's insides in search of the vital organ.²³⁰ Once the butchery had finished, a 'Gentlewoman' was given permission by the sheriff to retrieve Green's body and take it away to bury it. The town's people were outraged by this and stopped the woman by force.²³¹ The

²²⁵ Ibid.

²²⁶ D. Underdown, *Fire From Heaven. Life in an English Town in the Seventeenth Century* (London, 1993), p.199.

²²⁷ Ibid. p.198.

²²⁸ Ibid.

²²⁹ Ibid. p.197.

²³⁰ *Anglia A*, v, no.10.

²³¹ Underdown, *Fire From Heaven*, p.198.

sheriff, a royalist, could not intervene because, as David Underdown argues, it would have brought him into direct conflict with the town's people who had been fortifying the town in 'defiance' of his orders since the beginning of July.²³² But Green's body parts would not be exhibited on the town's gates, in keeping with tradition, for fear that the plague might infect the town as retribution for the priest's death.²³³

Hugh Green was not alone in declaring his royalism in the course of his trial. Thomas Holland (alias Sanderson), who was executed along with Green, also questioned the legality of proceedings against him. Three witnesses were called to give evidence against Holland but he managed to rebuff each accusation put to him, when given the opportunity by the 'honourable bench' to answer. According to a Catholic report of the trial, Holland had told the Judges '... the laws of England did require that evident proof should be brought against a delinquent, otherwise he could not be condemned; but as yet there was no such thing deposed against him.'²³⁴ Holland added that if anyone could 'prove where and when' he had taken Holy Orders or if they knew and could prove that he had undertaken any such act that these Orders would allow, he would 'most willingly suffer'.²³⁵

The judge at the trial was Alderman Isaac Penington, a sheriff of London who would become Lord Mayor of London, a staunch parliamentarian and a puritan. He asked Holland directly if he were a priest. Holland, determined not to incriminate himself, refused to answer: 'no man was to accuse himself'.²³⁶ The jury returned their guilty verdict three days later. Holland was asked to approach the bench again and asked if there was any reason he should not be condemned to death. Holland replied that the evidence against him was 'weak, trifling, and illegal'.²³⁷ Condemning him would be illegal, Holland argued, because no witnesses could point to particular times or places at

²³² Ibid.

²³³ Anglia A, v, no.10.

²³⁴ Anglia A, v, no.11. (A Relation of Mr Sandersons Arraignment, 1642).

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Foley I, p.532-3.

which he was ordained or had undertaken sacerdotal functions.²³⁸ Penington agreed that he could not find anything in Holland's 'life or morals' that displeased him, but said that in accordance with the laws enacted against priests the jury had found him guilty, 'upon presumption (as they say) which is at least a legitimate and full proof'.²³⁹ Holland was condemned to death and executed on 19th August 1642.

It was alleged that Penington later declared that if he had been a member of the jury he would have found Holland not guilty because of the lack of evidence.²⁴⁰ This seems extremely unlikely given Pennington's own puritan sentiments. Penington led attacks against episcopacy and played a leading role in the Root and Branch petition of December 1640.²⁴¹ He also was behind the City's threat to refuse contributions to fund Charles's war with the Scots if Goodman's reprieve was not overturned.²⁴² It seems that the author of this account was trying to justify the argument that the proceedings against priests were counter to the rights given to subjects by established law, by fabricating support from a most unlikely candidate. If a man like Penington had viewed the proceedings against Holland as unjust then that would provide insurmountable evidence that they were.

Just two months later Thomas Bullaker, a Franciscan friar, also argued that the case brought against him was false and protested his innocence against the accusation of being a traitor. The priest was arrested whilst holding Mass at the house of Margaret Powell, the daughter of Lord Montague.²⁴³ Bullaker had been arrested before and brought to trial but had been discharged on the king's warrant. It was on this point that the priest argued his case when he was later arrested. Bullaker argued that although there were laws in force against priests, these laws were put into effect by the same parliament which 'approved likewise the Book of Common Prayer, & the government of the Prot Church by archbishops and bishops, both which you have so little regard to at this

²³⁸ Ibid. p.533.

²³⁹ Ibid.

²⁴⁰ Anglia A, v, no.11.

²⁴¹ K. Lindley, 'Isaac Penington (c. 1584-1661), local politician and regicide', *ODNB*.

²⁴² Ibid.

²⁴³ T. McCann, 'Some unpublished accounts of the Martyrdom of Blessed Thomas Bullaker OSF of Chichester 1642', *Recusant History*, 19 (1988), pp.171-182, at p.176.

time'.²⁴⁴ He continued that parliament could not 'in justice insist after this upon blind obedience from others to the ordinances of former parliaments, at a time when you your selves do show a manifest contempt of them'.²⁴⁵ Bullaker criticised parliament for being unable to prove their constant allegations of popish plots and conspiracies. When the parliamentary committee members Bullaker was appearing in front of retaliated by calling him a traitor, he retorted that 'Had the kingdom no other kind of traitor in it' than Bullaker himself, it 'would be in a far better condition then it is at present', implying that it was in fact MPs who were the 'betrayers' of the laws and liberties of the kingdom and parliament truly merited the accusation of treachery.²⁴⁶ The jury were instructed to find the friar guilty but instead wanted to refer this case to parliament before passing judgement. However, the recorder ignored the jury's wish, found Bullaker guilty anyway, and condemned him to death.²⁴⁷

There are two other accounts of Catholic priests who questioned the legality of their own trials and condemnation. They were Ralph Corby and Philip Powell. The Jesuit priest Corby had been arrested, along with another priest John Duckett, by the parliamentarian army in June 1644 and brought before the Sunderland sequestration committee.²⁴⁸ On examination it was decided he should be transported to London where he would be condemned and executed two months later. In a letter, Corby complained that on examination he was asked whether he had been in the king's army. He had denied it but his examiners recorded that he had answered in the affirmative.²⁴⁹ Corby had also told the examiners that he had been born in Ireland and therefore could not be condemned in accordance with the statute because he was not of English origin. He argued that it had not been proved that he and Duckett had violated the laws and stated that they had not been so accused.²⁵⁰ His arguing, however, was to no avail. He was told

²⁴⁴ Drafts B, Knaresborough MS, p.351.(Thomas Bullaker, O. S. Fr, P & M. At London 1642).

²⁴⁵ Ibid.

²⁴⁶ Ibid. p.355.

²⁴⁷ Challoner II, pp.128-129, 130.

²⁴⁸ John Duckett was a secular priest and had been educated at Douai. Duckett had been arrested by an army of Scot Covenanters on the grounds of his priesthood. They sent him on to Sunderland where he was transferred to London, along with Corby, to face trial (Anglia A, v, no.18 (a)).

²⁴⁹ Anglia A, v, no.18. (Copy of a letter of B Ralph Corby, 2 August 1644).

²⁵⁰ Anglia A, v, no.18 (a). (Relation concerning Mr Duckett, 7 September 1644).

that not only were he and Duckett accused of being Catholic priests, and that in itself was enough to condemn him to death, but also that in the exact words of the Elizabethan statute against priests it was held that it was high treason for any man born within the queen's dominions (of which Ireland was a part) and ordained abroad to remain within the realm.²⁵¹ Both Duckett and Corby were condemned to death and were executed together at Tyburn on 7th September 1644. It may be that the executions of Corby and Duckett served as much needed propaganda for the parliamentarians following their defeats at Cropredy Bridge on 29th June and at Lostwithiel on 2nd September. It was also a chance to capitalise on their success at Marston Moor, a show of strength in the light of increasing hostilities between Cromwell and Manchester about how best to continue the war.

The second account concerns Philip Powell, alias Morgan, a Benedictine who was sent on the English mission in 1622. On his arrival in England he stayed in London with the Franciscan Augustine Baker who taught him about English civil law. Powell then went to stay with a Roman Catholic family in Derbyshire. At the outbreak of war the family dispersed. Powell found himself on a boat travelling from Cornwall to Wales and it was during this trip that he was apprehended by Captain Crowder, who boarded the boat and accused Powell of being a priest.²⁵² On Powell's return to London he was brought before the King's Bench, and declared that he was a priest, but was not guilty of treason. An account of his trial alleges that when asked his response to the treason charge levelled against him, he declared that he doubted whether the judge had 'any just power derived from his majesty' to try him and argued that legally, because of the civil war, all trials where the verdict would determine life or death should cease.²⁵³

The jury, however, found Powell guilty and returned him to prison but the Benedictine was recalled to the Bench a couple of days later. It was at this second meeting with the judge that Powell argued that he could not be charged for treason and condemned to death for two reasons. The first was that the nature of the offence had

²⁵¹ Challoner II, p.154.

²⁵² Ibid. p.163.

²⁵³ Ibid. p.165.

changed and therefore the statute was null and void. The Elizabethan statute, Powell argued, came into being at a time when Queen Elizabeth feared both Mary Queen of Scots and the Spaniards. But because the king was now absent from proceedings, both cause and person were absent from the case. The second point of controversy was that Powell had been arrested at sea and therefore was not actually in England, therefore, the statute could not be enforced against him.²⁵⁴ After much argument between Powell and the judge, the priest was still found guilty of treason and was condemned to die. He was hung, drawn and quartered on 30th June 1645 but his head and quartered body were not, as was the custom, placed on the gates of the City for all to see but were instead buried in an old churchyard in Moorfields on the petition of the Common Council of London who feared that Powell's 'comportment' had made an impression on the people.²⁵⁵

It was not just the alleged illegality of trials that the clergy tried to use to their political advantage. They also attempted a different tack altogether by arguing for the similarities between the Roman Catholic Church and the Church of England. Particularly this can be seen in the 'gallows speeches' of the priests Hugh Green and Henry Heath. Hugh Green declared at his execution that 'Scholars in school points may differ but never in points of faith'.²⁵⁶ He declared that there were three things to be considered, 'one God, one Baptism and one Church' and the 'marks' of this Church, which were 'sanctity, unity, antiquity and universality'. In these, he argued, 'all of us in all points do believe'. An account of Henry Heath's execution on 17th April 1643 deals with similar issues. The account included a discourse between a minister and a young man concerning the minister's assertion that Heath died *in* the faith of Christ 'but not *for* the faith of Christ'.²⁵⁷ The minister argued that Heath died for his opinions whereat the young man interjected that the priest could not die for his opinions because Heath had made a public confession of believing in the Church as a whole rather than any particular named Church. The minister replied that 'the name of the Church concerned

²⁵⁴ Ibid.

²⁵⁵ Ibid. p.167.

²⁵⁶ Anglia A, v, no.10.

²⁵⁷ Anglia A, v, no.14. (Account of the Martyrdom of Henry Heath, 17th April 1643), my italics.

all'.²⁵⁸ The young man replied that the name of the Church should concern men no more than it had St Augustine whom, it was alleged, did not believe in the authority of the Church. This was probably a reference to St Augustine of Hippo's struggles with the Donatists in which he stated that heresy should not be punishable by death and that, as long as the Church survived, it could tolerate sinners without it being detrimental to its holiness.²⁵⁹

Both examples were a markedly different from the gallows speeches made by Catholic priests in Elizabethan and Jacobean times, when priests generally rejected the ministrations of the Protestant clergy present, arguing that the two faiths were completely incompatible. It is possible to read this as another demonstration of Catholic loyalism and indeed royalism. By arguing that Catholicism was compatible with the national Church the Catholic priests were attempting to show they were loyal subjects and therefore their condemnations for treason and their resulting executions were needless, immoral or illegal.

2.2. Anti-Catholic discourse concerning English Catholic priests.

Within Protestant anti-Catholic discourse the priests' defences unsurprisingly fell on deaf ears. In Protestant accounts of trials and executions, authors were concerned to show that Roman Catholicism was 'grounded upon murder and mischiefs' and that priests, by disobeying royal proclamations of banishment, showed disloyalty to the king.²⁶⁰ There were also the 'traditional' allegations of harming or murdering the monarch. The anonymous author of the *Black Box* claimed that Jesuits (the term used in almost all anti-Catholic tracts to describe Catholic priests) 'profess obedience but practice sedition and rebellion'.²⁶¹ The author claimed that all priests' pleas of loyalty to

²⁵⁸ Ibid.

²⁵⁹ E. Portalie, transcribed by D. Ofstead, 'The Life of St Augustine of Hippo', *The Catholic Encyclopaedia*, accessed: <http://www.newadvent.org/cathen/02084a.htm> (Last visited: 31/03/2008).

²⁶⁰ J. Hodgskins, *A new plot discovered* (London, 1641); Anon, *The Confession of a Papist Priest, who was hanged drawn and quartered at Tilburne, For seducing the Kings people, the 26 of July 1641 and had foure severall names which are these William Waler, alias Walker, alias Ward, and alias Slater* (London, 1641); Anon, *Seven Jesuits Condemned*; Anon, *An Exact Relation of the Apprehension, Examination, Execution and Confession of Thomas Bullaker, a Priest of the Order of St Austin* (London, 1642).

²⁶¹ Anon, *The Black Box* (London, 1641), p.7.

the king were made ‘with a mental reservation of Father Campion’s old distinction’, in other words, Catholic priests pledged allegiance to the pope first and foremost and therefore would murder a heretic king.²⁶²

Anti-Catholic pamphleteers also attempted to utilise the ‘compassing the king’ concept to perpetuate charges of treason against Catholic priests. In this instance almost all conjured the apocalyptic image of a divided kingdom invaded by a foreign Catholic force. This is particularly true of the pamphlet entitled *The Papists Conspiracie*.²⁶³ Similarly, another pamphlet purported to use the confession of a priest, Arthur Browne, to argue that the priests’ treason was purposefully causing ‘these present distempers and divisions’.²⁶⁴ The author stated that Browne had argued that priests were using the king’s prerogative to do this: ‘They hope to see the king and queen have the same privileges and prerogatives as their predecessors before them, a false suggestion of the devil, it is rather to root out the Protestant religion and bring in popery’.²⁶⁵ Apparently on Browne’s account the Dorchester assizes reprieved him as he gave up the names of Catholic gentry who had harboured him whilst he was on his mission.²⁶⁶

Thomas Hayward made similar arguments in his *The rattrap or the Jesuits taken in their own net*. He wrote that Jesuits involved themselves in state matters to ‘the great prejudice’ of princes.²⁶⁷ If these princes discovered the priests they would punish them as the ‘greatest enemies both to their [princes] own principality and the safety of their kingdom’.²⁶⁸ Hayward also considered that the Jesuits was ‘by this incendiary kindled in their kingdoms, Ireland may grow tumultuous, Scotland combustous, and take arms, and England’s peace be altogether disturbed and disquieted’ in order to bring in foreign Catholic forces.²⁶⁹ Hayward saw the Convocation of May 1640 as part of a Catholic

²⁶² Ibid, p.19.

²⁶³ Anon, *The Papists Conspiracie, or, A Plot which was first contrived and counselled by a Papist Priest whose late discovery and imprisonment attends the sentence of the law* (London, 1641), p.2.

²⁶⁴ A. Browne, *Arthur Browne A Seminary Priest, His confession after he was condemned to be hanged at the Assizes holden at Dorchester the 16th day of August* (London, 1642), p.2.

²⁶⁵ Ibid.

²⁶⁶ Ibid, p.5.

²⁶⁷ T. Hayward, *The rattrap of The Jesuits taken in their own net* (London, 1641), p.4.

²⁶⁸ Ibid.

²⁶⁹ Ibid, pp.18-19.

plot, 'It was surely one of their plots to urge our bishops to make new cannons'.²⁷⁰ Hayward was not the only author to argue that the issues dividing Charles's three kingdoms were part and parcel of Catholic plotting. Thomas Abernethie attacked treasonous Catholic priests in his pro-covenanter tract, *A Worthy Speech*. He argued that it was Catholic priest who had 'hatched' plots, treasons and 'bloody mischiefs'.²⁷¹ In order to return Scotland and England to the Church of Rome, Abernethie wrote, the priests plotted to 'pervert' the Church of England first as it was nearer to Roman Catholicism in forms of worship and episcopal government. They wanted then to administer popish changes to Scotland on the grounds that it must conform to the 'Mother Church'. The Scots, it was considered, would not be able to stop the reforms 'in respect of his Majesty's supremacy, and of the union of two crowns and kingdom'. Abernethie accused the papal agent Panzani of planning the plot. He asked 'Now non-covenanter, is thy curiosity satisfied?', and declared that the laws against Catholics should be exercised instead of granting them the 'pecuniary liberty of conscience' they then enjoyed.²⁷²

Similarly a pamphlet printing a letter allegedly written by Cardinal du Perron to the French king during James's reign at the time of the appellant crisis sought to show that Laudian bishops secretly favoured Catholicism, as could be seen in 'their unanimous consent to the late diabolical cannons'.²⁷³ The author showed the 'sympathy and affinity' that Catholic priests had to the Laudian bishops

the bishops have taken all things done against papists as done against themselves, and the papists all things done against the bishops, as done against their head the pope and them; but this hath been so cunningly performed, as few could hereto perceive it, whilst at last the papists seeing both themselves and the mitre of bishops wronged (as they thought) by the factious covenanters of Scotland, could contain themselves no more, but burst out in rage against those heretics, and openly undertook to defend, that our bishops were *Iure Divino* tales²⁷⁴

²⁷⁰ Ibid, p.26.

²⁷¹ T. Abernethie, *A Worthy Speech by Thomas Abernethie. Wherein is discovered the Villany of hellish plots (which himself hath been an eie an eare witness of) wrought in the Pope's Courts against these our Three Kingdoms* (London, 1641).

²⁷² Ibid.

²⁷³ Anon, *The Copy of a Letter sent from the Cardinall du Perron Ambassador for the French King at Rome* (London, 1641), pp.3, 4.

²⁷⁴ Ibid, p. 5.

This must have looked like a convincing argument to Presbyterians or supporters of the covenanters in light of speeches in favour of bishops from men such as Thomas, Lord Brudenell.

It was not just those who had sympathy with the covenanters who argued that the priests committed treason by compassing the king. In 1642 pamphlets emerged that were anti-Catholic, anti-tolerationist and anti-puritan and blamed the division between parliament and the king on priests *and* puritans. In the pamphlet *A Discovery of Treason against the king*, mentioned earlier, the author claimed that the Spanish ambassador Gondomar plotted with the puritans, ‘This great man had but one principal means to further his great designs, which was, that none but the puritan faction, which plotted nothing but an anarchy and this confusion, were averse to this happy nation’.²⁷⁵ The author continued, ‘that none but the king’s enemies’ were in parliament and that some Catholics pretended to be puritans.²⁷⁶ The pamphlet also, however, suggested that Arminianism was also a way to turn people Catholic.²⁷⁷ Another example can be found in an anonymous pamphlet entitled *Reasons and arguments*, which stated the similarities between Catholics and puritans ‘for they be taken largely for dangerous wits, that ... seek the destruction of the Church’.²⁷⁸

2.3. Conclusion.

Through the in-depth analysis of trials of Catholic priests during the early 1640s, this chapter has shown the involvement of the English Catholic clergy in the constitutional debates between the king and parliament on the eve of the English civil war. Royal dispensation to Catholic priests fuelled discontent among Charles I’s critics who thought that they exemplified his abuse of royal prerogative. Some Protestants viewing events from outside of Westminster thought the reprieve of priests signalled something altogether more sinister, the existence of a popish plot. This would bring down monarchy and kingdom and then forcibly re-establish popery. Charles’s

²⁷⁵ Anon, *A Discovery of Treason against the King*, p.2.

²⁷⁶ Ibid, pp.4, 5.

²⁷⁷ Ibid, p.4.

²⁷⁸ Anon, *Reasons and arguments* (London, 1641), p.3.

parliamentary critics were keen to feed this fear as they thought that displays of public discontent would help them limit the king's power. Equally, Charles could not give up too much of that power without rendering himself monarch in name only.

The English clergy played their own part in all of this. Whether or not existing accounts of their trials accurately representative what actually occurred, it was still these versions that were distributed amongst the English Catholic community. They sought to take advantage of the split between monarchy and parliament and demonstrated that Catholics were loyal subjects, in the hope that their loyalty would secure toleration for their community in the future. Captured priests were shown to have intently questioned the legality of their trials to show that parliament was using the illegal measures being inflicted on the king. The clergy were represented as arguing that trials and executions illustrated parliament's determination to run rough-shod over the established laws of the kingdom in order to curtail Charles's prerogative power. The Catholic clergy could then present themselves as martyrs not just for their religion, but also for the king's cause.

This chapter has shown the way in which the English Catholic community interacted with anti-papal discourse used to criticise the king and limit the extent of his royal prerogative, specifically in regards to the discussions of varying definitions of treason during this period. My argument, however, is not a causal one but a contextual one. There is no smoking gun to show that Strafford's trial caused or encouraged priests to use Pym's junto's argument for constructive compassing of the king's death to plead their loyalty in the face of puritan-led 'illegal' trials. It is significant, however, that these priests' trials and the debates within (and outside) parliament took place at the same time. The fight concerning treason and the extent of the king's prerogative was not just between the king and parliament but instead was a multifarious struggle over authority and obedience, which stimulated political engagement in the public sphere.

Russell, in his work, argued that the junto's constructive compassing the king argument was a double-edged sword.²⁷⁹ Just as Charles's 'evil counsellors' could be

²⁷⁹ Russell, *Unrevolutionary England*, p.106.

prosecuted for treason on these terms, so could the king's parliamentary critics. It was no coincidence that this constructive compassing argument fell 'into the background after Strafford's execution.'²⁸⁰ One could also argue a third element; once notions of treason were up for debate, even those whom Pym and his party wished to victimise could use the same argument for their own ends. The Catholic clergy on the eve of the English civil war, therefore, were not on the margins of English polity but immersed in it. They were pawns within the struggle between the king and parliament to determine the limits of royal prerogative power, but they were also players in their own game. It seems likely that instead of withdrawing themselves from the fight, the clergy embraced the opportunity to take centre stage and attempted to manipulate events to their own advantage, pledging their loyalty to Charles I in defiance of the king's puritan critics.

²⁸⁰ Ibid. p.105.

3. The emergence of an English Catholic royalist tradition

The connection between English Roman Catholicism and royalism during the English civil war has always been contentious. After the Restoration there was fierce debate over the loyalty of the English Catholic community to Charles I and (during his exile) Charles II. Conflicting interpretations of English Roman Catholic royalism have continued in histories of the civil war. The subject has inevitably been bound up in debates about motivations for allegiance or neutrality during the conflict.²⁸¹ Yet the question of English Catholic loyalism to the Stuart Crown has only really been understood either numerically (how many royalist soldiers were Catholic), or by Catholic responses to monarchical religious and financial policies during the 1630s. There has been little attempt to marry the allegiances of English Catholics to the politics of the community and their behaviour during the Interregnum. English Catholic loyalism, or the lack thereof, is therefore understood somewhat two dimensionally. This chapter interrogates the association between English Catholicism and royalism and the historical methods used to research the extent of that connection. It sets out an alternative approach to understanding the nature of Catholic loyalism during the civil war, looking at key Catholics and their experiences during the conflict. It is divided into four sections. The first looks at contemporaries' accounts of the extent of Catholic participation in the civil war, the second explores how Catholic royalism was represented during the eighteenth-century, the third section looks at modern interpretations of Catholic involvement and the fourth contains case studies of leading Catholics' experiences of the conflict. This chapter is important in the thesis because it shows that contemporary debates about Catholic loyalty were not as straightforward as protagonists on any side portrayed.

²⁸¹ The main protagonists of the debate surrounding the extent of Catholicism within the royalist army during the civil war are Peter Newman and Keith Lindley. Lindley suggests that the majority of English Catholics were neutral during the war whilst Newman argues that Catholics were prevalent in the king's army and had an important effect on the royal war effort. This debate is discussed at greater length later on in the chapter.

3.1. Contemporary representations

During the civil war there were few published references to English Catholic royalism that were not part of parliamentary propaganda.²⁸² The works of Edward Walsingham were early examples of English Catholics discussing their role in the conflict. Walsingham published tracts celebrating the lives and endeavours of two Catholic soldiers, Major General Smith, in 1644, and Sir Henry Gage in 1645.²⁸³ Walsingham also wrote a memoir of the well known Catholic royalist Sir John Digby, which remained in manuscript form until it was edited and published by the Camden Society in 1910. The exact history and date of the manuscript is unknown, but it is assumed it was part of Sir Kenelm Digby's library until his death in 1665.²⁸⁴

Walsingham's motivations have divided historians. Michael Mullet has argued that Walsingham was making a religious point rather than a social one.²⁸⁵ This may be so of Digby but seems unlikely for Smith and Gage. Conversely, Peter Newman has suggested that Walsingham portrayed Digby, in particular, 'not as an exemplar of Catholic loyalism but as very much the complete Cavalier'.²⁸⁶ Yet close analysis of all three works suggests that neither historian's explanation is completely satisfactory. Walsingham's work has been taken out of context, or accepted at face value, only serving to add to conflicting claims of Catholic royalism and neutralism. Walsingham

²⁸² For examples of this see B. J. V. D, *A bloody and cruel plot* (London, 1643); Anon, *The Catholickes petition to Prince Rupert. Shewing The ground of their Grief. The force of their Constancie. And their hopes of Recovery. With a Draught of a Proclamation presented to his Highnesse, for the more speedy Recruiting his Army, destroying the Protestants, and gaining the Crowne.* (London, 1644); Worthy member of the House of Commons, *Some notable observations upon the late summons by the Earl of Newcastle, of the town of Manchester* (London, 1643); Anon, *A Confutation of the Earle of Newcastles Reasons, for taking under his Command and Conduct divers Popish Recusants in the Northerne Parts* (London, 1643); Anon, *A Looking-glasse for the Popish garrisons: held forth in the life and death of Basing-House* (London, 1645). There was obviously also reference to the English Catholics' involvement in the king's army with reference to the intervention of foreign powers see M. Burlacey, *The King of France, his message to the Queene of England* (London, 1642).

²⁸³ E. Walsingham, *Britannicae Virtutis Imago. Or, the Effigies of True Fortitude, Expressed to the life, in the famous actions of that incomparable Knight, Major Generall Smith, Who is here represented, June, 1644* (Oxford, 1644); E. Walsingham, *Alter Britanniae Heros: or the Life of the Most Honourable Knight, Sir Henry Gage, Late Governour of Oxford, Epitomiz'd* (Oxford, 1645).

²⁸⁴ E. Walsingham, *Life of Sir John Digby (1605-1645): now first printed from the ms. in the Bibliothegue nationale, Paris*, (ed.) G. Bernard, *Camden miscellany, XII, CS, 3rd series*, 18 (London: Offices of the Society, 1910), p.64.

²⁸⁵ M. Mullet, 'Edward Walsingham (d. 1663)', *ODNB*.

²⁸⁶ P. Newman, *The Old Service. Royalist regimental colonels and the Civil War, 1642-46* (Manchester, 1993), p.211.

treated Smith and Gage differently to Digby and only by exploring the differences (and in some places, similarities) between these epitaphs can the complex history of English Catholic attitudes to the English civil war begin to be understood.

Walsingham portrayed all three men as gallant soldiers and virtuous gentlemen loyal to the king's cause. He used the concepts behind so-called 'constitutional royalism'. He played on the idea that the parliamentarians were attacking established social and constitutional hierarchies, in order to portray English Catholics as loyal subjects to the king. There are many examples of this throughout the three pieces of work.

Walsingham attributed gentlemanly characteristics to all three men placing importance on their pedigree, education and military experiences.²⁸⁷ Both of Gage's parents were from 'generous and noble families', Digby had 'ancient and illustrious parentage' and Smith was descended from Sir Michael Carrington, standard bearer to Richard I in the holy-land.²⁸⁸ The three men were all educated, at some point, abroad and both Gage and Smith had joined the Spanish Army in the Netherlands. Walsingham claimed that Smith did so in order to protect the local elite from a civil disturbance 'in some sort resembling ours where the dregs and rude multitude of the City bandy against their prince, magistrates and nobility, in such sort that nothing but ruin seemed to hang over their heads of the latter', and that Gage was awarded a regiment by the Prince Cardinal 'not by any sinister means, but merely with the eminence of his virtue, for he could not be won to do anything ungrateful to his natural sovereign: or inconsistent with the interest and honour of his nation'.²⁸⁹ Digby was celebrated for his ambassadorial duties in Venice, France and Savoy, accompanying the ambassador Jerome Weston, son of the crypto-Catholic Earl of Portland.²⁹⁰ All three men were considered to be interested in military strategy and affairs and were thought to have disciplined their troops to stop

²⁸⁷ For the importance of honour to gentry families in the early modern period see R. M. Smuts, *Culture and Power in England 1585-1685* (Basingstoke, 1999), pp.8-17.

²⁸⁸ Walsingham, *Alter Britanniae Heros*, p.2; Walsingham, *Life of Sir John Digby*, p.70; Walsingham, *Britannicae Virtutis Imago*, p.21.

²⁸⁹ Walsingham, *Britannicae Virtutis Imago*, p.3; Walsingham, *Alter Britanniae Heros*, p.6.

²⁹⁰ Walsingham, *Life of Sir John Digby*, p.72; M. Foster, 'Sir John Digby [alias John Salisbury] (1605-1645)', *ODNB*.

them from pillaging and stealing from townsfolk during the civil war. They had all distinguished themselves in battle.²⁹¹

Walsingham's projection of Smith, Gage and Digby as gentlemen complements recent work about the issue of gentlemanly honour during the civil war. In contrast to Jerrilyn Greene Marston's work, Barbara Donagan, in 'The Web of Honour: Soldiers, Christians and Gentlemen in the English Civil War', argues there was a shared ideal of military honour during the conflict, one of professionalism and morality, shared by both royalists and parliamentarians in order to secure social stability during the unrest; 'professional honour' Donagan argued, 'required the soldier should know and observe the codes and practices of his metier'.²⁹² The concept of 'professionalism' as a mark of honour can be seen in Walsingham's work. His subjects had studied how best to organise, command and discipline troops as well as the best ways to fight.²⁹³ Henry Gage published a detailed account of the siege of Breda, in which he had taken part.²⁹⁴

²⁹¹ Sir Henry Gage ran successful relief missions to the besieged Basing House (A.J. Loomie, 'Sir Henry Gage (1597-1645, royalist army officer', *ODNB*; Walsingham, *Alter Britanniae Heros*, pp.11-21), Major General Smith, at Edgehill, managed to take back the royal standard that had been seized by the enemy, an action for which he was knighted on the battlefield (E.I. Carlyle, rev. S.L. Sadler, 'Sir John Smith (1616-1644), royalist army officer', *ODNB*; Walsingham, *Britannicae Virtutis Imago*, pp.14-15) and Sir John Digby fought at Newbury, Grafton House, Farington and Radcot Bridge, Taunton and Naseby (Foster, 'Sir John Digby'; Walsingham, *The Life of Sir John Digby*, pp.91-108).

²⁹² J.G. Marston, 'Gentry Honor and Royalism in Early Stuart England', *Journal of British Studies*, 13, 1 (November, 1973), pp.21-43; B. Donagan, 'The Web of Honour: Soldiers, Christians and Gentlemen in the English Civil War', *Historical Journal*, 44, 2 (June, 2001), pp.365-389, at pp.365, 372, 383. Donagan's work supports earlier perceptions of honour and gentility during the later sixteenth and early seventeenth century. M. E. James has argued that definitions of honour changed from one of lineage, chivalry and military service towards education, virtue and magisterial service to the State (M. E. James, 'English politics and the concept of honour 1485-1642', in his *Society, Politics and Culture: Studies in Early Modern England* (Cambridge, 1986), pp.308-415). An example of the shared concept of honour can be seen in a letter written by Sir Benjamin Ayloffe, a sheriff in Essex, to Sir Thomas Barrington, a parliamentarian. Ayloffe was imprisoned for publishing royal proclamations against Parliament at the beginning of the civil war and appealed to Barrington to release him on the grounds of local gentry solidarity: 'Sir, your often expressions of respect for me encouraged me to apply myself to you at this time', (Essex Record Office T/A 364/1 f.249).

²⁹³ There seems to have been a great preoccupation among the gentry to studying military affairs at this time, the most famous example perhaps being George Monck's military manual *Observations upon Military and Political Affairs*, which was written during his imprisonment in 1644 (G. Monck, *Observations upon Military and Political Affairs. Written by George Monk, Afterwards created Duke of Albermarle, & c.* (London, 1776), pp. 2,4); Walsingham, *The Life of John Digby*, p.74; Walsingham, *Alter Britanniae Heros*, p.3; Walsingham, *Britannicae Virtutis Imago*, p.9.

²⁹⁴ Loomie, 'Sir Henry Gage'.

Walsingham even acknowledged men of honour and dishonour in the parliamentary army. After Digby was taken prisoner following his surrender at Grafton House, Major Skippon's conduct was recounted as far from honourable, whereas Skippon's social superior, the earl of Essex, was celebrated for his conduct, '[w]hich example this noble earl if like a president it had been so justly taxed and charged with such outrages, wrongs and injuries committed against their prisoners and others'.²⁹⁵ Although Donagan argues that blood and nobility were no longer important to the concept of honour during the civil war because they were replaced by the growing importance of status and seniority, Richard Cust has argued that this was not the case for the Catholic community.²⁹⁶ Cust demonstrates that during the sixteenth century 'gentry honour came to be redefined in terms which were appropriate to a Protestant ruling class' thus the ideas of public service and godliness became paramount.²⁹⁷ Roman Catholics were largely barred from public office, which meant that 'some of the principal means of securing prestige were severely limited' and therefore they relied more on lineage to prove their honour and nobility.²⁹⁸ The civil war provided an opportunity for writers such as Walsingham to recapture honour and gentility for the Catholic gentry.

There are however, major differences between the role of each subject's Catholicism within Walsingham's work. Walsingham makes no overt references to either Smith's or Gage's Catholicism.²⁹⁹ On the subject of their religion Smith and Gage are referred to as a 'gallant Christian knight' and 'a devout Christian' respectively.³⁰⁰ Impressions of their Catholicism could be gathered from the knowledge of their participation in the Army of Flanders' campaign against the Protestant Dutch during the 1620s and from the account of Gage's dying speech where he requested that his children be sent to La Fleche in France, where there was a Jesuit college, 'to hear some part of

²⁹⁵ Walsingham, *Life of Sir John Digby*, p.100.

²⁹⁶ Donagan, 'The web of Honour', p.388; R. Cust, 'Catholicism, Antiquarianism and Gentry Honour: The writings on Sir Thomas Shirley', *Midland History*, 23 (1998), pp.40-70, pp.46-48.

²⁹⁷ Cust, 'Catholicism, Antiquarianism and Gentry Honour', p.48.

²⁹⁸ Ibid.

²⁹⁹ For the importance of honour and chivalry to the Roman Catholic gentry see Cust, 'Catholicism, Antiquarianism and Gentry Honour'.

³⁰⁰ Walsingham, *Britannicae Virtutis Imago*, p.26; Walsingham, *Alter Britanniae Heros*, p.27.

their philosophy' although Gage continued 'and to learn those other necessary and becoming qualities of gentlemen'.³⁰¹ There is no mention of Gage's chaplain, the Jesuit Peter Wright, who attended Gage at his death. Smith and Gage's Catholicism was not the main focus of Walsingham's accounts of their lives and participation within the civil war. Instead, the emphasis was on portraying both as honourable gentlemen fighting for their king.

Conversely, Walsingham's account of Digby's life placed its principal emphasis on his Catholicism. Recounting Digby's capture by the Scots during the Bishop's Wars, Walsingham claimed that when Digby was asked whether he was a papist and warned 'no quarter' would be given if he was, Digby had fearlessly replied, 'Sir I am a Roman Catholic and so am resolved to live and die'.³⁰² This, the reader was told, was greeted with respect and civility. Further on in his account, Walsingham recounts the moment one of Digby's men, under arrest by the parliamentarians, was asked to change sides but refused to do so, stating that he too was a Roman Catholic. Instead of being hung, he was commended for his 'resolute answer' and urged again to change sides, but he refused, stating he would not fight the king.³⁰³ Walsingham portrays Digby and his co-religionist comrades as honourable and loyal Catholics who died 'a noble death in defence of his sovereign'.³⁰⁴

Why was Walsingham's treatment of Digby different from his treatments of Smith and Gage? The absence of a date for Walsingham's epitaph to Digby impedes any cast iron conclusions, but one can suggest that it was written after the execution of Charles I ('our lawful and dread sovereign King Charles who in after ages may worthily be entitled Charles the gracious').³⁰⁵ It seems reasonable to suggest that the tract, although never published, may have been a response to moves from factions within the English Catholic community to seek toleration from the new political regime in the early

³⁰¹ Walsingham, *Alter Britanniae Heros*, p.22.

³⁰² Walsingham, *The Life of Sir John Digby*, p.77.

³⁰³ Ibid. p.99.

³⁰⁴ Ibid. p.114.

³⁰⁵ Ibid. p.74.

1650s.³⁰⁶ Following the failed Three Propositions negotiations of 1647, petitions for toleration were made by prominent members of the English Catholic community to Parliament in 1651/2 and 1654. By the early 1650s Walsingham had joined the exiled court in France and, as secretary to Lord Jermyn, would have been connected to the Louvre group, centring around Henrietta Maria.³⁰⁷ It therefore would be of little surprise if Walsingham used his account of Digby's life to speak out against those willing to negotiate with the new regime. Walsingham defiantly writes, in conclusion to Digby's life:

his unstained loyalty towards his king, whose cause he espoused and courageously maintained in so many bloody battles wherein he run eminent hazard of his life which at last he willingly sacrificed in defence of his sovereign King Charles and sealed the writ of his allegiance with his own blood, encouraging hereby all good Christians and loyal subjects to suffer the last extremities rather than swerve from their faith to God and duty to their king.³⁰⁸

Walsingham was not alone in refuting negotiations with Cromwell and the Independents. Included in the Thomason Tracts is a printed list of members of the Catholic gentry who fought for the king and died during the civil war, along with those who had lost their estates as a result of being charged as delinquent recusants. The list, entitled *A Catalogue of the Lords, Knights and Gentlemen (of the Catholick religion) that were slain in the late Warr, In Defence of their King and Countrey*, is just as defiant as Digby's epitaph, unapologetically portraying English Catholics as loyal to the king.³⁰⁹ The catalogue is headed with a reference to psalm 111 and notes a passage taken from it, which forms part of the Daily Mass for the Dead.³¹⁰ It gives the impression that the men he had named had taken the side of the just and the godly. The author bitterly denounces the act passed by the Rump on 16th July 1651 which deprived those who had been identified as Catholic royalists of their estates for their 'pretended' delinquency 'that is, for adhering to their king'.³¹¹ The catalogue ends 'Feci judicium and Justitiam non tradas me calumniatibus me'; 'I have done judgement and justice and leave me not to

³⁰⁶ These negotiations will be explored in more depth in chapters 4 and 5.

³⁰⁷ Mullett, 'Edward Walsingham'.

³⁰⁸ Walsingham, *The Life of Sir John Digby*, pp.118-9.

³⁰⁹ Anon, *A Catalogue of the Lords, Knights and Gentlemen (of the Catholick religion) that were slain in the late Warr, in Defence of their King and Countrey* (London, 1651/2).

³¹⁰ Ibid.

³¹¹ Ibid.

my false accusers', a statement which although not uncommon, is telling when placed in the context of contrasting accounts of the extent of Catholic royalism.

It was not just such lists, however, that celebrated Catholic royalism. Individuals were also keen to do so. Catholic gentlemen who did not play a military role in the king's forces during the war asserted their loyalty towards Charles I at this time. William Sheldon, a Catholic Warwickshire gentleman, who took no active military role in the fighting, requested that the following should be written on his monument after his death in 1649: 'William Sheldon, esquire, ...faithful to an unhappy king, loyal to the religion of his sires...deprived of [his estates] on account of his inviolable loyalty to the king, he never mourned for it, but with equanimity bore its loss during his life.'³¹²

Conversely, those Catholics who supported negotiation with the new political regime downplayed accounts of Catholic royalism during the civil war.³¹³ For example, the Catholic writer John Austin, under the pseudonym William Birchley, refuted claims of Catholic royalism throughout his work, most notably in *The Christian Moderator, in Two Parts. Or Persecution Condemned*.³¹⁴ *The Christian Moderator* argued for tolerance of the Catholic community on the basis that they had never been militarily involved in the royalist army and were found in the king's garrisons only because they had fled there for refuge from the parliamentarians.³¹⁵ Austin celebrated the Three Propositions and defended the Engagement to show that the English Catholic community could be loyal to the Commonwealth.

Different memories of the existence and extent of Catholic royalism during the civil war were bound up, therefore, with competing visions of the community's future. These ensued that the issue of loyalty remained contested inside and outside that community. After Charles II's restoration in May 1660, Catholics unsurprisingly

³¹² D. F. Mosler, 'Warwickshire Catholics in the Civil War', *Recusant History*, 15 (1979), pp.259-264, at p.263.

³¹³ Issues of negotiation and commitment displayed in pamphlet form during the 1650s will be explored further in chapter 5.

³¹⁴ W. Birchley, *Christian Moderator, in Two Parts. Or Persecution Condemned*. 4th edition (London, 1652). Austin's links with Blackloism and Gallican thought will be discussed in greater detail in chapter 5.

³¹⁵ *Ibid.* pp.17-18.

emphasised their royalism during the civil war. Desperate to prove their loyalty to the house of Stuart, in the hope that the community might be rewarded with official toleration, English Catholics issued a spate of publications celebrating their wartime royalism. The suffering of English Catholics during the war were glossed in similar terms to Catholic martyrological literature. Further, lists were published of those who fought in the royalist armies, including those who had lost their estates as a result of their support for Charles I. Notable Catholic names appeared on many of the lists and one pamphlet, *The Royal Martyrs*, published in 1663, listed 150 royalist Catholics, alongside over 300 Protestants.³¹⁶

There were many similar publications. A pamphlet published in 1660 sought to refute claims that Roman Catholics were ‘generally reputed enemies’ of the king.³¹⁷ The pamphlet was written as though part of a correspondence between two Protestant gentlemen. The writer expressed surprise at the claim, arguing:

It is notoriously known to the whole nation, that the Catholics generally adhered to the late king, and defended the government established by law to their utmost power, for which many of them lost their lives, and the rest of their estates³¹⁸

The pamphlet stated that hardly any Catholics did not fight for the king or contribute financially to his cause, and that they were even noted as being part of Booth’s rising.³¹⁹ The pamphlet dismissed any notions of allegiance to, or relationship with, the Commonwealth and Protectorate parliaments. The Catholics, it was argued, ‘never concurred actively the setting up of any of the new governments that succeeded, but only carried themselves passively obedient to them’.³²⁰ Moreover, the English Catholics had not done anything that could have prejudiced the king’s interest during that time.³²¹ The

³¹⁶ *The Royal Martyrs: or a List of the Lords, Knights, Officers and Gentlemen, that were slain (by the Rebels) in the late Wars in Defence of their King and Country. As, also of those Executed by their High Court of (in)-Justice, or Law-Martial* (London, 1663), p.14.

³¹⁷ R. Caron, *A vindication of the Roman Catholicks of the English Nation. From some aspersions lately cast upon them. In a letter from a Protestant Gentleman in the country to a citizen of London* (London, 1660), p.4.

³¹⁸ *Ibid.* p.7.

³¹⁹ *Ibid.* pp.9, 11.

³²⁰ *Ibid.* p.10.

³²¹ *Ibid.*

pamphlet concluded that ‘forged calumnies’ towards English Catholics should be laid aside at the restoration of the Stuart monarchy.³²²

Another anonymous pamphlet published in 1661 argued for religious toleration for Roman Catholicism. It reasoned that the Protestants of the country should look upon the Roman Catholic community ‘according to what they have experienced of them’.³²³ The pamphlet continued:

to wit, as their fellow soldiers in defence of their kings. I have heard of thirty chief officers, as colonels and their immediate officers, at one time bestowed in the deceased king’s service; and a challenge made in his presence for any man to name a Roman Catholic who had been false unto him. Look upon us, as whose fortunes and many of our lives have been employed in the endeavours to restore you to that flourishing estate in which you now reign. If his Majesty with your consents hath graciously pardoned so many offenders, whose swords and firelocks were bent to draw his own sacred blood, can you think it fitting his Majesty should allay the revengeful thirst of those very men, with the oppression and blood of those who are particularly hated for having maintained his Majesties right and your own professions.³²⁴

English Catholics also sought to emphasise their loyalty to the Stuart crown to seek toleration after the Restoration. Catholic pamphlets played on the undeniable fact that it was Protestant (or rather Presbyterian) hands that were sullied with Charles I’s blood. It was the ‘liberty’ of Presbyterianism ‘or rather their restless ambition’ that caused the civil war.³²⁵

Images of loyalty to the king during the civil war were also projected at times of heightened anti-Catholic rhetoric following events construed by Protestants as evidence of popish plots. Roger Palmer, the Earl of Castlemaine, motivated by anti-Catholic

³²² Ibid. p.21.

³²³ Anon, *Reasons why Roman-Catholicks Should not be Persecuted* (London, 1661), p.7.

³²⁴ Ibid. pp.7-8.

³²⁵ Ibid. p.5. A different pamphlet from the one mentioned above; Caron, *A Vindication of the Roman Catholics*, p.9.

feeling after the fire of London, published two tracts on Catholic royalism.³²⁶ The first was entitled the *Humble Apology of the English Catholics*, in 1666 and the other *A Reply to the Answer*, published in 1668. In both Castlemaine's works he argued that the Catholic community was still 'embraced by the Protestant Cavaliers as true partisans'.³²⁷ 'Remember', he argued, 'how synonymous ... was the word papist and cavalier; for there was never a papist that was not deemed a cavalier'.³²⁸ Castlemaine argued that no 'papist could ever be suspected for the least defection' from the king.³²⁹ He asked the reader whether the Catholics were:

not where the rest of the royal party were? Some of us were in London, some with the king, some about dispatches, some in the Tower, some sold to the Islands; and in fine, was there any plot but the Catholics were as numerous in proportionately as any other subjects? Was ever man so imprudent to deny this?³³⁰

At the end of both of Castlemaine's publications came a printed catalogue of names of Catholics who had 'died and suffered for their loyalty or who had lost their estates due to sequestration'.³³¹ It differs slightly from the list of names printed in *Royal Martyrs*, increasing the number of Catholics who had 'suffered'. Two hundred and fifty-two names made up the list. One hundred and eighty-two were fatalities; sixty-nine had seen their estates sequestered and Major General Webb was listed also, who as a result of being wounded at Newbury 'lives a dying life'.³³² Emphasising Catholic sacrifice in the royalist cause was the surest way to convey Catholic loyalty to the new king.

Contemporary Catholic accounts of loyalism to Charles I spurred on work from anti-Catholic writers, most notably William Lloyd, bishop of St Asaph, who wrote *The*

³²⁶ Accusations of Catholic involvement in the fire saw an increase of anti-papery tracts published after the event. There was also a royal proclamation released banishing all Catholic priests and renewing prosecution laws against Roman Catholics (*By the King. A Proclamation for banishing all popish priests and Jesuites, and putting the laws in speedy and due execution against popish recusants* (London, 1666)). For examples of this see T.S. *A yoke for the Roman-bulls* (London, 1666); P. Nicole, *The pernicious consequences of the new heresie of the Jesuites against the King and the State* (London, 1666); E. Waterhouse, *A Short narrative of the late dreadful fire in London* (London, 1667); T. Vincent, *God's terrible voice in the city* (London, 1667); Anon, *Tydings from Rome: or, Englands alarm* (London, 1667).

³²⁷ R. Palmer, *Reply to the Answer*, p.61.

³²⁸ R. Palmer, *To all the royalists that Suffered for His Majesty, and to the rest of the Good People of England. The Humble Apology of the English Catholics* (London, 1666), p.3.

³²⁹ R. Palmer, *Reply to the Answer*, p.61.

³³⁰ Ibid. p.126.

³³¹ Ibid. pp.175-288, and Palmer, *The Humble Apology*, pp.9-14.

³³² Ibid.

Late Apology In Behalf of the Papists Reprinted and Answered in behalf of the royalists in 1667, a reply to Castlemaine's first publication.³³³ Although Lloyd conceded there were some papists who fought for the king, he argued 'many more of you were hunted into his [the king's] garrisons, by them that knew you would bring him little help and much hatred'.³³⁴ He alleged that those Catholics found in the royalist garrisons had been: 'necessitated to it for subsistence, and many more of you did not serve him at all, but only shrouded your selves under his protection.'³³⁵ It was their presence, Lloyd believed, that made the king 'odious' to his people.³³⁶ He accused Castlemaine and other apologists of 'stealing martyrs'.³³⁷

The anti-apologists also used material from Catholic tracts that had been published during the 1650s. Lloyd seized on previous work concerning the loyalism of the Catholic community, most notably Austin's *Christian Moderator*. Anti-apologists were not, however, occupied only with arguments over neutralism. They also looked to acts of disloyalty after the death of Charles I. Lloyd hints at Catholic disloyalty in his *The Late Apology*, writing that the Roman Catholic community 'compiled and flattered, and gave sugared words to the rebels then, as you do to the royalists now.'³³⁸

You addressed your petition to the *Supreme Authority of this nation, the Parliament of the Commonwealth of England*. You affirmed that you had *generally taken, and punctually kept the Engagement*. You promised, that if you might but enjoy your Religion you would be the most quiet and useful subjects in England. You proved it in these words. *The Papists of England would be bound by their own interest (the strongest obligation against wise men) to live peaceably and thankfully in the private exercise of their consciences, and becoming gainers by such comparison, they could not so reasonably be*

³³³ The issue involvement of the English Catholic community in the outbreak of the civil war and the actual fighting was discussed by contemporary anti-Catholic writers writing the history of the conflict in its immediate aftermath, for example Peter Heylyn, John Nalson, Thomas Frankland and Richard Perrincheif (see R. MacGillivray, *Restoration Historians and the English Civil War* (The Hague, 1974), pp.1, 74, 109-115.). I only wish, however, to look at those anti-Catholic writers who directly engaged with the varying claims of English Catholic authors.

³³⁴ W. Lloyd, *The Late Apology In behalf of the Papists Reprinted and Answered in behalf of the royalists* (London, 1667), p.14.

³³⁵ Ibid. p.44.

³³⁶ Ibid.

³³⁷ Ibid. p.45.

³³⁸ Lloyd, *The Late Apology*, p.14.

*distrusted, as the Prelatick party be losers. You proved it more amply by real testimonies.*³³⁹

These accusations were repeated elsewhere. A pamphlet published in 1679, written by Sir Christopher Wyvill, entitled *A Discourse, Prepared for the Ears of Some Romanists*, stated that the Roman Catholic community should accept the severity of the penal laws enacted against them at this later date in penance for their past disloyalty.³⁴⁰ Wyvill wrote:

Tis confessed, some of you gave signal, and very brave assistances to our late sovereign Charles the First, in those unhappy wars, (upon what account, or motive, let it be decided at the last day;) but, that the whole body of Romanists, could have been content to have sat down under a very bramble, instead of the t[u]rn oak, was manifest from the addresses pretended to come from them all; wherein the Catholic gentleman ... tells Oliver, *They had generally taken, and punctually kept the Engagement.*³⁴¹

These accusations of Catholic treachery and disloyalty resurfaced all through the Restoration and were particularly prominent throughout the Popish Plot crisis of 1679 when they were used to argue that English Catholics should not be granted toleration. This inevitably motivated Catholic pamphleteers to publish work stating their innocence and reiterating the community's allegiance to the monarchy. John Warner's pamphlet *A Vindication of the English Catholicks* sought to discharge the anti-Catholic feeling triggered by the Plot. Again the argument returned to the Catholics' actions during the civil war, 'the papists in those hardest times complied with their duty to their king and country, and Presbyterians failed in all'.³⁴² Warner also criticised the terms set for the restoration of Charles II claiming that the Presbyterians:

entertained no serious thought of restoring his Majesty, till they found the sword, which they had wrenched out of his hand, stolen out of their own by their younger brother rebel, the Independent, and felt the smart of it on their own

³³⁹ Ibid. p.45. Lloyd's italics.

³⁴⁰ C. Wyvill, *A Discourse, Prepared for the Ears of Some Romanists (At a general Quarter Sessions, in the North, When they were Summon'd to take the Oaths. By Sr Christopher Wyvill baronet, One of His Majesties Justices of the Peace in thise Parts: And now proffered to the Eyes of them all* (York, 1679).

³⁴¹ Ibid. pp.12-13.

³⁴² J. Warner, *A Vindication of the English Catholicks from the pretended conspiracy against the life and government of his sacred Majesty. Discovering the chiefe lyes and contradictions contained in the narrative of Titus Oates* (Antwerp, 1680), p.8.

shoulders. And when they offered it to its rightful owner, it was on such conditions, as should lock it in the scabbard, and keep themselves the key.³⁴³

It was the Presbyterians, Warner argued, who were guilty of treason and it was only due to the king's 'gracious pardon' that they were still alive.³⁴⁴

3.2. Eighteenth-Century representations

Catholic writers in subsequent centuries also sought to reclaim the image of English Roman Catholic royalism. The most notable publications were issued in the early eighteenth century, no doubt in response to the experiences of the English Catholic community during the Oates Plot in 1678/9. The stories told within these publications strengthened Catholics' belief in their loyalty to the Crown during the civil war and perhaps more importantly were part of ongoing campaigns for official toleration for English Catholics. Reverend John Knaresborough, a chaplain at Burton Constable, compiled five volumes of his 'The Sufferings of the Catholics', between 1705 and 1720, a time when there was a revival of interest in Charles I and the civil wars, especially from Tory ministers. Knaresborough assembled material of those Catholic men in the royalist army who had been killed during the civil war. He also amassed a comprehensive list of the Catholic gentlemen who had had their estates sequestered during the 1650s and in which counties they lived.³⁴⁵ A bound volume in the Hull University Archives contains the letters sent to Knaresborough from fellow Catholic gentlemen informing him of information that they thought he should include. Mr Roydon wrote to Knaresborough in November 1706 to outline his hopes for Knaresborough's work:

I hope you will include in your historical collections those, who have suffered for their loyalty, or died in the field for the late King Charles the first, and his children ... and answer all reproaches of popish treason with experimental convictions of unchangeable fidelity.

³⁴³ Ibid. p.9.

³⁴⁴ Ibid.

³⁴⁵ See J. Knaresborough, 'The Sufferings of the Catholics', (c. 1705-1720), 5 vols. U DDEV/x1/67/1.

Letters were also sent telling stories of the executions of priests and a Mr Elston sent the chaplain a selection of Catholic loyalist pamphlets outlining the royalism and loyalism of the Catholic community during the war.³⁴⁶

Knaresborough also received letters from men who wanted the experiences of their ancestors to be included. John Yaxley wrote in November 1722 to describe how his family's estates had been plundered and sequestered for recusancy by the Parliamentarians. He also recounted his grandfather's role as Captain of Horse in Charles I's army and how his uncle had been slain at the siege of Basing House because he was both a royalist and a Catholic. Yaxley's father had been in the king's garrison in Oxford when it was besieged by the Parliamentarians but had made a daring escape to avoid capture.³⁴⁷ Knaresborough's correspondence strongly conveys the importance to their descendants of Catholic royalism and the sufferings of Catholic gentlemen during the war and interregnum.³⁴⁸ This can be of little surprise when one considers the position of the English Catholic community after the Glorious Revolution. Penal laws against Roman Catholics were reinstated and an additional bill in 1692 meant that, when the country was at war, Catholics were liable to a double tax on their land.³⁴⁹ In response to rumoured Jacobite activity Lord Stourton and Lord Brudenell were imprisoned 'without judicial process' and following the Assassination Plot in 1696, Sir Philip Constable along with two other gentlemen were also locked up.³⁵⁰ In 1700 an act drawn up to

³⁴⁶ U DDEV/x1/62/2. (J. Elston to Knaresborough, 2nd November 1707).

³⁴⁷ There is little evidence to support Yaxley's claims. Neither his grandfather, uncle or father are listed in any of the contemporary catalogues, or *A List of Officers Claiming to the Sixty Thousand Pounds* (1663). Edward Yaxley and Richard Yaxley of Norfolk and Francis Yaxley of Suffolk are listed as having petitioned to contract for their estates in 1654 but for recusancy only (CCC, V, p.3193). The Yaxley's grandfather was the younger brother of Henry Yaxley of Bowthorpe, Norfolk, a notorious Catholic whose estate was sequestered for his recusancy (CCC, IV, pp.2729-2731).

³⁴⁸ The letters to Knaresborough show that Catholics believed that they were on the just side and supported by God. In a letter to Knaresborough in 1707 Elston wrote that when he came to visit Knaresborough he would tell him of a 'very remarkable' incident that had happened in Lancashire at the beginning of the civil war, 'there was one gentleman who was very notorious for taking of Catholic horses, this said man and 3 or 4 more whom he employed, (he was a justice of the Peace and Parliament man) died the strangest sort of death that ever you heard of'. (U DDEV/x1/62/2. (Mr J Elston to Knaresborough, 2nd November 1707)).

³⁴⁹ G. Glickman, *The English Catholic community, 1688-1745: politics, culture and ideology* (Woodbridge, 2009), p.57; J.A. Williams, *Catholic Recusancy in Wiltshire 1660-1791* (Newport, 1968), pp.45, 55.

³⁵⁰ Glickman, *The English Catholic community*, p.56.

prevent the growth of popery and in 1706 Anglican clergymen were instructed to make lists of Catholics in their parishes.³⁵¹ After the 1715 Jacobite rebellion the English Catholics suffered even more.³⁵² It has been argued that the English Catholic community had not given up on the idea of the Stuarts reclaiming the throne. It is little wonder that the community looked back in ‘veneration’ of the earlier sufferings of their ancestors.³⁵³ The fact that Knaresborough’s work forms a part of the Constable-Maxwell family papers speaks volumes. Both were well-known Catholic families who had served Charles I during the English civil war.

Knaresborough was not alone in compiling collections of English Catholic history. Richard Challoner, a Catholic priest, published two volumes in 1741 and 1742 of memoirs of missionary priests who had been executed in England from 1577 to 1684. Challoner’s second volume concentrated on the stories of those priests killed as a result of the conflict between the king and Parliament in the 1640s. Challoner portrayed the priests as loyal to the king and thus suffering unjustly at the hands of the Protestant rebels.³⁵⁴ Challoner included a list of those who had died and wrote four and half pages on the sequestration of Catholic estates during the 1650s.

The motives for Challoner’s publication are debated. It has been suggested that it was a response to ‘steadily shrinking’ Catholic congregations.³⁵⁵ *Memoirs of Missionary Priests* was written following his first visitation as vicar apostolic. His seven-week tour took him to visit twenty congregations and confirm over eight hundred people yet, it is argued, Challoner’s ‘task must have been disheartening’ as he came to face with the fact that Catholicism in towns had ‘practically ceased’.³⁵⁶ The two volumes were therefore written to offer English Catholics ‘support of the memory of their predecessors’.³⁵⁷

³⁵¹ Williams, *Catholics Recusancy in Wiltshire*, pp.49, 57.

³⁵² Ibid. p. 58; D. Szechi, *1715. The Great Jacobite Rebellion* (New Haven and London, 2006), p.256.

³⁵³ Glickman, *The English Catholic community*, pp.55, 67. The Catholic Swinburnes, in particular, wanted to record the sufferings of their family during the Interregnum and their military endeavours in order to show their allegiances to the Stuarts (Ibid. p.68).

³⁵⁴ Challoner, II, pp.85-175.

³⁵⁵ E. Trappes-Lomax, *Bishop Challoner. A Biographical Study delivered from Dr Edwin Burton’s The Life and Times of Bishop Challoner* (London, New York, Toronto, 1936), p.45.

³⁵⁶ Ibid. pp.41, 45, 46.

³⁵⁷ Ibid. p.46.

Recent analyses have questioned these assumptions. Eammon Duffy has argued that *Memoirs of Missionary Priests* was written to ‘consolidate’ English Catholicism and recusant tradition at a time of stability, ‘to take stock, to explain itself to itself’.³⁵⁸ Further, it has been seen as a way to restore English Catholicism’s ‘national inheritance’ and carve out a ‘distinctive’ English Catholic tradition.³⁵⁹ Yet, as has been shown, a distinctive English Catholic recusant tradition had already been formed which continually emphasised its national importance.

The preface of each volume explored the issue of toleration for the English Catholic community. The first preface discusses the violence inflicted on Catholic priests throughout Elizabeth I’s reign, but Challoner was keen to state that his work would only include those who had died ‘for no other crime but their conscience’ and that he did not see his role as author as ‘the apologist, but only the historian’.³⁶⁰ The second preface, however, was preoccupied with overt campaigning for official toleration. The moderate ways of the ‘present government’ were, Challoner rather whiggishly considered, ‘far more agreeable both to reason and religion, more honourable to the nation, and more suitable to that claim of liberty and property’ that every Englishman regarded as his birthright.³⁶¹ Challoner challenged the idea that Roman Catholicism was inconsistent with civil allegiance, arguing that their principles had been ‘misrepresented’.³⁶² He hoped that his work would vindicate the moderate attitude of the government from ‘the unjust censures of some fiery zealots’ who wished to persecute Challoner’s religion. Challoner closed by anticipating a change in legislation towards English Roman Catholics and hoping that the government would

take these matters into consideration, [and] will find many other weighty reasons which will demonstrate that a toleration of the private exercises of the Roman Catholic religion, will be more agreeable to the common good and tranquillity of

³⁵⁸ E. Duffy, ‘Richard Challoner 1691-1781: A memoir’, in his (ed.), *Challoner and his Church. A Bishop in Georgian England* (London, 1981), pp.1-26, at p.21.

³⁵⁹ R. Luckett, ‘Bishop Challoner: The Devotional Writer’, in Duffy’s, *Challoner and his Church*, pp.71-89, at p.86; M. Heinmann, *Catholic devotion in Victorian England* (Oxford, 1995), p.84, 137.

³⁶⁰ Challoner, I, pp.iv, x, xii-xiii.

³⁶¹ Ibid. II, p.iii.

³⁶² Ibid. p.v.

the nation, and more advantageous to our trade, then penal laws and persecution.³⁶³

What better way to support this hope than to include the tales of the loyalty shown by both priests and laymen to the king during a *puritan* rebellion? The issue of English Catholic loyalty and official toleration for the community was the embodiment of the English recusant tradition. In other words, Catholic remembrance of civil war royalism was shaped by contemporary selective memory.³⁶⁴

Another priest, Charles Dodd, also compiled volumes on the history of the English Catholic Church.³⁶⁵ Dodd was eager to demonstrate English Catholic suffering at the hands of the parliamentarians because of their loyalty to Charles I. The cost of the publication of Dodd's volumes was largely paid by several prominent Catholic gentlemen, Edward, Duke of Norfolk, Sir Robert Throckmorton and Cuthbert Constable, all men whose ancestors had been active for the king, or who had suffered on account of their religion during the Interregnum.³⁶⁶

3.3. Modern Interpretations

It is in the light of these seventeenth-century and eighteenth-century Catholic histories that we should see more modern discussions of Catholic participation and loyalty. Historians became increasingly disillusioned with the Whiggish historiography of the civil war as a victory for parliamentarian, Protestant modernity and progress over

³⁶³ Ibid.

³⁶⁴ The continuing sense of a loyal national recusant tradition and its importance to English Catholic identity can be seen in lists commemorated Catholics who were killed during the First and Second World Wars (see Dom. Graham, *Downside and the War 1914-1919. Containing List of Old Gregorians who served in HM Forces during the War, together with Memoirs of those Killed in Action or who died on Active Service* (London, 1925); R.C. Francis-Jones (ed.), *Downside and the War 1939-1945. Containing Memoirs of Old Gregorians who lost their lives during the Second World War* (London, 2003)).

³⁶⁵ C. Dodd, *The Church History of England from 1500 to 1688* (London, 1737-42).

³⁶⁶ T. Cooper, rev. A. Du Toit, 'Charles Dodd [formerly Hugh Tootel] (1672-1743)', *ODNB*. There has been much debate amongst historians as to the Throckmortons' exact level of loyalism. Thomas Throckmorton, Sir Robert's younger brother had been removed from the army in 1640 by Parliament because of his Catholicism and is thought to have been a colonel in the royalist field army at the start of the war, but there is no evidence that support this claim. Sir Robert Throckmorton was named as having been present when the earl of Northampton raised the king's standard in South Warwickshire in August 1642 but there is no other evidence that suggests that he participated any further in the conflict. (M. Wanklyn, 'Stratagems for Survival: Sir Robert and Sir Thomas Throckmorton 1640-1660', in P. Marshall and G. Scott (ed.), *Catholic gentry in English Society. The Throckmortons of Coughton from Reformation to Emancipation* (Farnham, 2009), pp.143-170 at pp.145, 153, 154, 157).

feudal cavalier conservatism.³⁶⁷ Just as did contemporaries, modern historians have questioned the identification of English Roman Catholicism with royalism. The continuing debate behind these conflicting ideas went beyond the rationalization of the consequence of the opposing Revisionist historians, who came to the fore during the 1970s, who looked again at the allegiances of those fighting in the civil war. Historians turned their attentions to the localities to trace individual religious and political preferences and located the motivations behind choices of allegiance. This local study model casts doubt on the degree to which Catholicism and royalism were inevitable bedfellows.

Revisionist historians argued that most men during the English civil war were neutral in their allegiances and English Catholic gentlemen particularly so. Keith Lindley researched English Catholics and their choice of allegiance in the counties of Buckinghamshire, Hampshire, Lancashire, London, Monmouthshire, Northamptonshire, Somersetshire, Suffolk and Yorkshire.³⁶⁸ Lindley believed that Catholic militancy during the civil war should be understood in terms of the proportion of Catholic participation in relation to the size of the English Roman Catholic community in the seventeenth century. In London Lindley claimed five per cent of royalists were Catholics, which only accounted for twenty-five per cent of the total number of Catholics living there.³⁶⁹ In Lancashire twenty-six per cent of royalists were Catholics, which was under seventeen per cent of the Lancashire Catholic community.³⁷⁰ Eight per cent of royalists were Catholics in Northamptonshire, which represented a quarter of the Catholic community there. In Suffolk and Buckinghamshire, Catholic militancy during the civil war was fleeting or almost non-existent. Only three Catholics from Suffolk joined the king's army and only one Catholic gentleman was a royalist in Buckinghamshire.³⁷¹ Four per cent of royalists in Somerset were Catholics and in Hampshire thirteen per cent of

³⁶⁷ I. Roots, 'Sir Charles Harding Firth (1857-1936)', *ODNB*; I. Roots, 'Samuel Rawson Gardiner (1829-1902)', *ODNB*; D. Canadine, 'George Macaulay Trevelyan (1876-1962)', *ODNB*.

³⁶⁸ Lindley, 'The Part played by the Catholics', pp.126-176.

³⁶⁹ *Ibid.* p.136.

³⁷⁰ *Ibid.* p.147.

³⁷¹ *Ibid.* p.147.

royalists were Catholics.³⁷² Apart from Monmouthshire and Yorkshire, where more than a quarter of the Catholic communities were royalist, Lindley concluded that the majority of English Catholics residing in the counties he studied had remained neutral during the civil war, fighting neither for the king nor for Parliament.³⁷³

Lindley believed that English Catholics mostly remained neutral because they were ‘not seeking to subvert the government’ in order to promote Catholicism and were mostly ‘a loyal group’ towards Parliament.³⁷⁴ Lindley also argued that there was little incentive for the English Catholics to support the king. The financial penalties levied on the Catholics for their recusancy coupled with Charles’s innovative ways to generate revenue throughout his Personal Rule, (Ship Money, Knighthood fines and forestry laws) had taken their toll. The English Catholics, Lindley asserted, had begun to feel ‘increasingly alienated’ from their sovereign and his government at the eve of the civil war.³⁷⁵ Neutralism, Lindley believed, was seen by many Catholics as the safest route to negotiate their way through the conflict, supporting neither a king who had persecuted them nor the radical Parliamentarians whose hostility towards them resulted in violent anti-Catholic riots.³⁷⁶

These arguments were restated by the Marxist historian Brian Manning. He argued that most English Catholics were neutral because they were disaffected towards the monarchy and wanted to ‘avert the wrath’ of anti-Catholic parliamentary mobs.³⁷⁷ Catholic royalists did not support the king because they were Catholic, but because they sympathised with his situation. The Catholic nobility and gentry in particular understood the king’s position because they were worried about the implications of Parliamentary politics for social order. They were royalists because they were constitutionalists, not because they were Catholic. Lower class Catholics, in turn, mostly managed to stay out

³⁷² Ibid. pp.152-5.

³⁷³ Ibid. p.140.

³⁷⁴ Ibid. pp.157-8.

³⁷⁵ Ibid. pp.166-7.

³⁷⁶ Ibid. pp.172-3.

³⁷⁷ See Manning’s introduction to Lindley’s ‘The Part played by the Catholics’, p.126.

of the conflict, unless they were forced to join the royalist army at the behest of their Catholic royalist landlords.³⁷⁸

These arguments have been criticised by other historians. Peter Newman refuted claims of Catholic majority neutrality by questioning the focus and methodology of Lindley's work. Newman argued that Catholic royalism should not be understood in terms of the proportion of militancy to the size of the community. Instead he believed that Catholic royalism should be understood by ascertaining the influence Catholic activists had on the course of the war.³⁷⁹ If the numbers of Catholic royalists were 'sufficient enough to excite the animosity of the parliamentary forces' and, in turn, force neutral Catholics to seek shelter in the king's garrisons, this would indicate a significant influential impact of Catholic royalism, out of proportion to the size of the English Catholic community at the beginning of the conflict.³⁸⁰

Newman also criticised Lindley for the sources he used, particularly his reliance on the Committee for Compounding papers which, Newman argued, opened his analysis to 'significant weaknesses'.³⁸¹ Newman argued that some senior Catholic officers made no attempt to compound for either their recusancy or delinquency.³⁸² This can be seen in the detail of several cases listed within the Committee's records. Walter Fowler, a gentleman from Stafford, had his estates sequestered for recusancy in 1649 but was later summoned to appear before the Committee because witnesses accused him of delinquency, having taken up arms for the king.³⁸³ The witnesses accused Fowler of abusing and cruelly treating parliamentary supporters. Fowler made no effort to defend himself from their allegations and was sequestered as a delinquent recusant.³⁸⁴ It is difficult to ascertain whether Fowler was a papist in arms or his witnesses were settling a personal score. Similarly Richard Ashton from Lancaster had his estates sequestered for

³⁷⁸ Ibid. p.127.

³⁷⁹ PR. Newman, 'Catholic royalist Activists in the North, 1642-46', *Recusant History*, 14 (1977), pp.26-38; PR. Newman, 'Catholic royalists of Northern England', pp.88-95.

³⁸⁰ Newman, 'Catholic royalist Activists', p.27.

³⁸¹ Ibid. p.26.

³⁸² Newman, 'Catholic royalist Activists', p.26.

³⁸³ CCC, III, p.1891.

³⁸⁴ Ibid.

recusancy but stated that he had never acted against Parliament, but had stayed at home during the civil wars.³⁸⁵ The Committee initially believed him and discharged his estate but later renewed sequestration after they were informed that he had been a papist delinquent in the king's army.³⁸⁶

Newman's other criticism of Lindley's use of the Committee's records was that many men, both Catholic and Protestant, failed to qualify for the set property requirements for compounding. Many Catholic squires, gentlemen and yeomen were not officially recognised as recusants or delinquents.³⁸⁷ Nor was information regarding individual cases of delinquency and recusancy particularly detailed about levels of individual involvement. Ambiguous terminology was used such as 'adhered', 'assisted' and 'espoused'.³⁸⁸ Newman was also suspicious of the opportunities available to the Committee for corruption because of its operation on a local level. Surely, he argued, cases before the Committee would be judged in light of local rivalries, kinship links and familial connections?³⁸⁹

Terence Smith, in his study of Staffordshire Catholics during the civil war, confirmed Newman's criticisms by looking at the case of Walter, second Lord Aston.³⁹⁰ Aston was a Catholic royalist throughout the civil war (a letter from the king in 1646 illustrated as much) and his estate had already been sequestered under earlier laws enforced against recusants, but he was not heavily penalised. He had been further sequestered following his surrender at Lichfield in July 1646.³⁹¹ Only two years later, Aston was discharged from sequestration having paid no fine nor compounded for his delinquency. Little evidence exists to explain why Aston was let off so lightly but he had friends and relatives on the parliamentary side.³⁹² Subsequently Ann Hughes has

³⁸⁵ Ibid. IV, p.2596.

³⁸⁶ Ibid. p.2597.

³⁸⁷ Newman, 'Catholic royalist Activists', p.26.

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ T. S. Smith, 'The Persecution of Staffordshire Roman Catholic Recusants: 1625-1660', *Journal of Ecclesiastical History*, 30 (1979), pp.327-351.

³⁹¹ Ibid. p.337.

³⁹² Ibid. p.338.

argued that many men who came before the Committee for Compounding were charged only with recusancy rather than both delinquency and recusancy because the former was easier to prove.³⁹³ There were also many cases that remained incomplete or unfinished.

Newman's research utilised a wide range of sources to investigate Catholic royalism in the northern counties. Although Newman's work focused mainly on the royalist Earl of Newcastle's army and Yorkshire, Durham, Northumberland, Cumberland, Westmorland and Lancashire, the Earl of Newcastle was also responsible for the royalist effort in Nottinghamshire, Derbyshire, Staffordshire, Norfolk, Suffolk and Essex.³⁹⁴ Newman's research is based on the militancy of the Catholic elite, who were given positions within the royalist army reflecting their social status. 125 heads of northern England gentry families held field command posts, forty of whom (amounting to thirty-three per cent) Newman identified as 'overtly and covertly' Catholics.³⁹⁵ Of the 815 officers in the northern royalist army whose religion could be clearly identified, Newman found that 282 men, just under thirty-five per cent, were Catholics or Catholic recusants.³⁹⁶ 133 royalist officers held the rank of colonel in the northern army and Newman could identify the religion of 117 of them. 102 colonels were from the north of England, thirty-nine of them Catholic.³⁹⁷ Durham and Lancashire provided more than half of Catholic colonels, more than the combined figures of Yorkshire, Northumberland and Cumbria. Of the 94 men of the rank of lieutenant colonel in the royalist army, Newman identified the religion of 73. Of the 59 originating in the northern counties, thirty-one were Catholics. As with colonels, the majority of Catholic lieutenant colonels came from Durham and Lancashire. In contrast Newman identified thirty-seven Protestant lieutenant colonels and five men whose religion was unknown.³⁹⁸ 98 majors were known to be in the royalist army but Newman could only identify sixty-seven men,

³⁹³ A. Hughes, *Politics, Society and Civil War in Warwickshire*, p.167n.

³⁹⁴ P. Newman, 'The royalist Army in Northern England 1642-45', (Unpublished PhD Thesis, University of York, 1976), I, p.11.

³⁹⁵ *Ibid.* p.89.

³⁹⁶ Newman identified 986 royalist officers in total but could not clearly identify the religion of 171 of them.

³⁹⁷ Newman, 'The royalist Army', p.92.

³⁹⁸ *Ibid.* p.93.

only one of whom could not be religiously identified. Twenty-two majors were Roman Catholic.³⁹⁹

Although Newman's research demonstrates that there were many Roman Catholic officers in the royalist northern army, he pointed out that not all northern regiments eagerly commissioned Roman Catholics in their ranks. The Earl of Cumberland, for example, made a conscious decision to avoid commissioning any Catholic officers at all.⁴⁰⁰ Newman argued that the majority of Catholic gentlemen who wanted to fight for the king looked for a commission in regiments that were commanded by co-religionists. This was unsurprising considering the hostility felt towards them by Protestants. In 1640 two officers, William Mohun and Crompton Evers, were murdered by fellow soldiers because they were papists.⁴⁰¹ The Yorkshire regiments of Sir Walter Vavasour and Sir Robert Clavering had many Catholic officers, as did Sir William Lambton and Viscount Molyneux in their Durham and Lancashire regiments respectively.⁴⁰² Newman argued, however, that the northern royalist army's ability to work with both Roman Catholic and Protestant officers 'contributed a great deal' to its strength and to the earl of Newcastle's ability to lead with relative success.⁴⁰³

Aside from whether the Catholic gentry were greater or lesser in number than their Protestant counterparts in the king's army, Newman believed that the Roman Catholic royalists were at least as committed to the king's cause: their motivation was an overwhelming 'attachment' to tradition and the monarchy.⁴⁰⁴ This can be seen from the heads of a petition written in 1646 by the English Catholic community to be presented to the House of Commons and the House of Lords. The English Catholics were petitioning for toleration, to be treated 'like Christians, fellow subjects', and argued that they had only sided with the king 'in point of judgement and knowing duty and allegiance'.⁴⁰⁵ They believed that the king's powers had come 'immediately from God, and must be

³⁹⁹ Ibid.

⁴⁰⁰ Ibid. pp.22-3.

⁴⁰¹ Braddick, *God's Fury, England's Fire*, p.100.

⁴⁰² Newman, 'The royalist Army', p.22.

⁴⁰³ Ibid. p.589.

⁴⁰⁴ Ibid.

⁴⁰⁵ U DDEV/x1/68/248/6. (Heads for a Petition on Behalf of the Catholics of England).

obeyed for consciences sake'.⁴⁰⁶ The petition also seems a plea to Parliament that the English Catholic community should only be sequestered for their delinquency rather than their recusancy, for they hoped that they were 'neither less trusted nor more punished for professing what they are'.⁴⁰⁷ The petition was never presented.

Newman's work is supported by Hugh Aveling's study of northern Catholics, which concluded that the majority of strongly recusant gentry there supported the king.⁴⁰⁸ Approximately 110 northern Catholics were thought to be 'affected' by Catholicism in 1642. Forty-five of these men were identified as having been delinquents in the king's army during the civil war. Added to this, Aveling believed that a further three of four families had experience of fighting for the king during the civil war but escaped detection and therefore had not been sequestered.⁴⁰⁹

The debate surrounding the extent, the importance and reasons behind Roman Catholic military involvement stimulated further research into the allegiances and religious motivations of men fighting in the civil war. Historians continued to use local studies to do this. Martyn Bennett's thesis studied the royalist war effort in the North Midlands, examining the structure of the royalist army in Derbyshire, Leicestershire, Nottinghamshire, Rutland and Staffordshire.⁴¹⁰ No Roman Catholics held royalist administrative posts in these counties at the beginning of the war, although this is perhaps unsurprising considering the deep antagonism felt towards 'popery' during this period.⁴¹¹ Bennett found Roman Catholic officers in these counties; but argued that allowing them to join the royalist army was a way to secure their financial support for the king's cause. Fewer Roman Catholic officers were commissioned in the North Midlands royalist regiments than in the royalist northern army examined by Newman.

⁴⁰⁶ Ibid.

⁴⁰⁷ Ibid.

⁴⁰⁸ H. Aveling, *Northern Catholics. The Catholic Recusants of the North Riding of Yorkshire 1558-1790* (London, 1966), p. 309. This argument is also supported by Ian Roy who argued that the recusant squires of Northumberland, Durham, Cumberland and Westmorland offered the king a lot of support (I. Roy, 'The Royalist army in the first civil war' (Unpublished DPhil Thesis, Oxford University, 1963), p.17).

⁴⁰⁹ Aveling, *Northern Catholics*, p.306.

⁴¹⁰ M. Bennett, 'The royalist war effort in the North Midlands 1642 - 1646' (Unpublished PhD Thesis, Loughborough University of Technology, 1986).

⁴¹¹ Ibid. p.48.

Bennett discovered 73 field officers in the North Midland royalist division. Only forty-two could be religiously identified, eleven of whom were Roman Catholics (over twenty-six per cent).⁴¹² Bennett could only trace four of these eleven Catholic families, however, and so could conclude little concerning the commitment of Catholic families in the North Midlands.

Of the 59 regimental officers found in the North Midlands division, thirty-four per cent (twenty) were Roman Catholics.⁴¹³ The highest number of Roman Catholic officers found in the North Midlands royalist army were to be found in the Catholic Thomas Leveson's regiments in Staffordshire. Almost all of the officers serving in these horse regiments were Roman Catholic. There were two explanations for this: not only would Catholics naturally want to serve a Catholic commanding officer, but South Staffordshire, in particular, was well known for its thriving Roman Catholic community. A recent study of Staffordshire's Roman Catholics has shown that many of the Catholic gentry in the county garrisoned their homes for the king: dowager Lady Stafford, Stafford Castle; Sir Robert Fleetwood, Wootton Lodge; Peter Gifford, Chillington; Walter Astley, Patshull House; and Philip Draycott, Paynsley.⁴¹⁴ Many officers were also raised in Derbyshire, joining the regiments of Rowland Eyre or Sir John Fitzherbert.⁴¹⁵ Although it seems that only Staffordshire and Lancashire regiments had high intakes of Roman Catholic officers, Bennett argued that the proportion of Catholic royalist activists in the North Midlands were 'greater than that of Catholics indigenous in the counties'.⁴¹⁶ Thus Bennett concluded that his research supported Newman's study.

In contrast, research undertaken into the county of Warwickshire during the civil war identified few actively militant Roman Catholic royalists.⁴¹⁷ Eighteen Catholic families were identified in Ann Hughes's study of the county and although eleven of these families attended the Commission of Array, only eight were later charged with

⁴¹² Ibid. p.166.

⁴¹³ Ibid.

⁴¹⁴ M. Greenslade, *Catholic Staffordshire 1500-1850* (Leominster, 2006), pp.97, 101, 103-104.

⁴¹⁵ Bennett, 'The royalist war effort in the North Midlands', p.167.

⁴¹⁶ Ibid.

⁴¹⁷ Mosler, 'Warwickshire Catholics in the Civil War', p.262.

delinquency.⁴¹⁸ John Morrill's study of Cheshire argued that the Roman Catholic community were 'remarkably inactive' with only the prominent Savage family joining the king's forces.⁴¹⁹ Philip Jenkins' research on the South Wales border, however, found that the Roman Catholic community here were far from neutral and he described the Catholic Tuberville family, who lived in Glamorgan, 'as royalist as romantic legend'.⁴²⁰ Even in Essex there were Roman Catholic gentry families who fought for the king. Although the majority of prominent Essex Catholic families (such as the Petres, the Waldegraves and the Greens) remained neutral during the war, there were exceptions. Lord Morley served as a Colonel of Horse in the king's army, Robert Danvers fought some of the war as a royalist and so did Richard Jennings, the eldest son of the Jennings family from Dunmow.⁴²¹ In Norfolk it is argued that although the Catholics residing in the county suffered from the pecuniary measures against Catholics during the Caroline period, the majority of them supported the king's cause.⁴²² Significant members of the Catholic gentry in Nottinghamshire also fought for the king.⁴²³

J.T. Cliffe's work concentrated on the Yorkshire gentry from the Reformation to the civil war. He was able to identify a number of gentry who joined the king's army, but argued that many Yorkshire Catholics did not commit themselves.⁴²⁴ Of the 242 royalist families living in the county in 1642, 86 (one third) were Catholic or had Catholic sympathies.⁴²⁵ Amongst them were the leading Yorkshire Catholic gentry, including Sir Philip Constable, Sir Walter Vavasour and Sir Philip Hungate. Although there was unrest and criticism of the king amongst the Catholic Yorkshire gentry during Charles I's Personal Rule, by the time Charles entered the Bishops War in 1639 they had

⁴¹⁸ A. Hughes, *Politics, Society and Civil War in Warwickshire*, p.167. Also see P. Tennant, *The Civil War in Stratford-upon-Avon*, p.5.

⁴¹⁹ J. Morrill, *Cheshire*, p.71.

⁴²⁰ P. Jenkins, *The Making of the Ruling Class. The Glamorgan Gentry 1640-1790* (Cambridge, 1983), p.104.

⁴²¹ A. Tompkins, 'Gentry and Aristocratic Allegiances in Essex at the beginning of the English Civil War', (Unpublished MA Thesis, University of London, 2006), pp.46-7.

⁴²² For example John Paston was found in the king's garrison and Clement Paston was arrested for being 'dangerous among Papists'. Henry Bedingfield and his three sons fought for the king and after the war Bedingfield was excluded from pardon by Parliament, imprisoned for treason for two years and had his estates sold by the Rump (R.W. Ketton-Gemer, *Norfolk in the Civil War*, pp. 49, 50, 304-305).

⁴²³ A. Wood, *Nottinghamshire in the Civil War*.

⁴²⁴ J.T. Cliffe, *The Yorkshire Gentry. From the Reformation to the Civil War* (London, 1969).

⁴²⁵ *Ibid.* pp.344, 345.

rallied behind the Crown.⁴²⁶ Sir Walter Vavasour and Lord Dunbar supervised the collection of money from the Catholic community to fund the king's actions against the Scots.⁴²⁷ Cliffe also showed that the high proportion of Catholic Yorkshire gentry had remained neutral throughout the conflict. He argued that they had scant links with the court and, as a consequence of the Long Parliament's extreme anti-popery, many families were forced into neutralism through fear.⁴²⁸ Cliffe also identified nine Catholic families divided in their allegiances or who had changed sides during the civil war, thus casting further doubt of the extent of their loyalty to the Stuart cause.⁴²⁹

There is evidence of only two priests fighting personally for the royalist army. The first was Robert Pugh, who was dismissed from the order of the Society of Jesuits in 1645 because he joined the royalist army without permission from his superiors (although he would later become an LL.D).⁴³⁰ The second was Henry Starkey who had been ordained but dismissed from the English College in Lisbon before apologising and being re-admitted. His leg had been shot off by a cannonball whilst he had been fighting for the king and he was not allowed back into the English College at Douai because of his disability, but he became a Benedictine in 1649.⁴³¹

There are two other cases of note. William Poulton was at the English College in Seville in 1636 but left and became a royalist officer in the civil war. He returned to St Omers in 1645 and remained there until 1650. Two years later he went to study at the English College in Rome and became a priest. Poulton returned to England to become chaplain to Lady Mary Somerset in London.⁴³² John Salkeld was known to have been a Catholic priest by 1606 but had conformed in England by 1612. He was vicar of Wellington in Somerset in 1613 and rector of Churchstanton, Exeter in 1634. He was deprived as a royalist in 1646.⁴³³

⁴²⁶ Ibid. p.344.

⁴²⁷ Ibid.

⁴²⁸ Ibid. pp.360-1.

⁴²⁹ Ibid. p.344-5.

⁴³⁰ Anstruther, II, p.258.

⁴³¹ Ibid. p.310.

⁴³² M. Murphy (ed.), *St Gregory College, Seville, 1592-1767* (London, 1992), p.90.

⁴³³ Ibid. p.93.

Scant evidence survives to prove unequivocally contemporaries' accusations that many priests acted as chaplains in the royalist army. References to priests are common but only three seem to be named, John Huddleston, who helped to shelter Charles II after the defeat at Worcester; Peter Wright, who administered the last rites to Colonel John Digby; and Robert Pitts, who was present at the siege of Wardour.⁴³⁴ Hugh Aveling's study of York states that the marquis of Newcastle's regiment contained at least two Benedictines who served as army chaplains. Six priests were reported to have been killed during the storming of Basing House.⁴³⁵ These priests could have been domestic chaplains or priests who had taken refuge there. Considering the importance of the last rites, it seems probable that high-ranking Catholic officers had priests in their regiments to tend to their and their soldiers' consciences. But many priests in the country throughout the conflict seem to have turned their attentions to their pastoral duties rather than attempting direct intervention.⁴³⁶

A group of royalist soldiers, or men whose families had been attached to the royalist army did, however, enter the English College at Rome after the civil war. Anthony Pole entered the college in 1645 after his father, a royalist, was killed in the war.⁴³⁷ Francis Reade and William Morgan entered the college in 1647, both having served in the king's army. Reade had been a captain for four years and Morgan had been captured at Naseby. He was given permission six years later to cross to Flanders to become a sergeant in the English regiment fighting for the king of Spain.⁴³⁸ Charles Cosin, the son of the famous Essex rector, later Bishop of Durham, John Cosin, joined the college in 1652. His father had been a chaplain to the king during the war and both father and son escaped into exile in France with Charles II.⁴³⁹ In 1653, Robert Doleman,

⁴³⁴ Ibid. p.163; Foley, III, pp.526-533.

⁴³⁵ J.C.H. Aveling, *Catholic Recusancy In the City of York 1558-1791* (London, 1970), p.89; Holland, *Thames Valley Papists. From Reformation to Emancipation 1534-1829* (Coventry, 1992), p.91.

⁴³⁶ It is thought that there were nearly two hundred Jesuit priests alone working in England during the conflict (Foley, V, pt.1, pp.cxliv-cxlv).

⁴³⁷ W. Kelly (ed.), *Responsa Scholarum of the English College, Rome. Part II: 1622-1685*, (London, 1940-63), p.500.

⁴³⁸ Ibid. pp.509, 511.

⁴³⁹ Ibid. p.537.

the son of a Yorkshire Catholic knight, and Thomas Warren, son of a royalist colonel entered the college. William Carlos entered the college in 1655. His father had been the governor of the Castle of Tong at the outbreak of the civil war but was then banished to Germany, William had joined him there. Both father and son travelled to Worcester with Charles II's Scottish army in 1651.⁴⁴⁰

Local studies show that Roman Catholic participation in the royalist army differed geographically. There were high levels of Catholic involvement in areas with large and coherent Catholic communities. These areas were often furthest away from the attention of central government, for example northern England, Monmouthshire and Wales. It can also be easily understood why Catholics in largely parliamentary areas stayed neutral or did not actively fight for the king's cause. These studies are, however, limited in what they tell us about the connection between royalism and the English Catholic community or the nature of Catholic loyalty to the Stuart crown. To begin with there are methodological problems when comparing data. There has been no agreement amongst historians on who exactly should be defined as a Roman Catholic now, or who were defined as Roman Catholics by contemporaries then. This distinction is important. Religious identification has always been a thorny issue, never more so than for historians researching Jacobean and Caroline Roman Catholics. As Newman argued parliamentary propaganda went to great lengths to publish lists of all popish officers within the royalist army and Laudians and high-church Anglicans were sometimes included as papists.⁴⁴¹ The terminology used by both historians and contemporaries also causes problems. The word 'recusant' actually referred to those who did not attend church, rather than just referring to Roman Catholics, a distinction that is not always acknowledged. The use of the term 'church-papist' has caused much debate amongst historians too, but will not be entered into here as it has been adequately discussed elsewhere.⁴⁴²

⁴⁴⁰ Ibid. pp.544, 551.

⁴⁴¹ Newman, 'The royalist Army in Northern England', I, p.10.

⁴⁴² Lake and Questier (eds.), *Conformity and orthodoxy*, p.xiv.

A truly accurate measure of the community's size will therefore always elude the historian. Conclusions can be drawn from county studies, particularly that levels of Catholic support for the royalist cause varied regionally. But this does not help us fully to understand English Catholic loyalty towards the Stuart crown. Uncovering the behaviour of the English Catholic community at this time is, however, a necessary prelude to exploring the dialogue held between the English Catholics and the State, how this altered to accommodate the change from monarchy to republic, and how the English Catholics prepared for the restoration of the Stuart monarchy in 1660. To do that, it is necessary to look at particular English Roman Catholics, the level of their participation in the civil war and their actions during the Interregnum.

3.4. Catholic case studies.

One way to illustrate the complexities of English Catholic identity and experience throughout the civil war and Interregnum is to look at case studies of particular members of the Catholic gentry. It is not my intention to retell the stories of well-known Catholic royalists such as William Blundell or court Catholics such as John Wintour. Instead, I examine leading gentry who were considered significant figures in the community during the late 1630s and 1640s and their participation in the conflict. I have taken names of those who involved themselves in community politics from the 'Protestatio Declaratoria' of October 1631.⁴⁴³ This was a petition signed by those opposing the leadership of Richard Smith, bishop of Chalcedon, during the approbation crisis of the early 1630s. Three of these Catholic gentlemen were known to be active royalists throughout the civil war; James Touchet, earl of Castlehaven, Henry Somerset, earl of Worcester, and Edward Somerset, Lord Herbert. Of those who approved of the 'Protestatio Declaratoria' against Smith, but did not sign it, only one man, Henry Parker, baron Morley and Monteagle, was an active royalist. The three gentlemen named in the

⁴⁴³ See Questier, *Catholicism and Community*, p.475-476; P.R. Newman, *Royalist Officers in England and Wales 1642-1660. A biographical dictionary* (New York, 1981), pp.352, 350-351; S. Kelsey, 'James Touchet, third earl of Castlehaven (bap. 1612, d 1684)', *ODNB*. Of those signing the 'Protestatio Declaratoria' three had died: Sir Henry Neville, Baron Abergavenny, Thomas Darcy, Earl Rivers, and Lord William Howard of Naworth). Neville's heir, Sir John, Lord Abergavenny, was not militantly active during the civil war, but Thomas Darcy's grandson John Savage, second Earl Rivers was a colonel of horse and foot in the king's army and Lord Howard's sons, Francis and Thomas, and brother Philip were in the royalist army too (see Newman, *Royalist Officers*, pp.331, 199, 200, 201).

‘Protestatio Declaratoria’ who supported Bishop Smith - Sir Henry Constable, Viscount Dunbar, John Paulet, marquis of Winchester and Sir Thomas Arundell, Baron Arundell were militant royalists.⁴⁴⁴ As this suggests, the leading figures of the community had very different experiences of the conflict.

We can start by examining those members of the leading Catholic gentry who were excluded from pardon in 1648. Thomas, Lord Brudenell, John Paulet, marquis of Winchester, Edward, earl of Somerset and Henry, Lord Arundell of Wardour, were all condemned on the grounds that they were ‘Papists and Popish recusants, voluntarily in arms against Parliament’, although there is no evidence that Brudenell was ever in arms for the king.⁴⁴⁵

Brudenell, a convicted recusant, was the cousin of Sir Basil Brooke and was a pro-Spanish member of the English Catholic community. He had been involved in the dynastic match negotiations with Spain in 1623 and bought his baronetcy in 1628 with the help of the duke of Buckingham.⁴⁴⁶ At the outbreak of the conflict Brudenell pledged his support for Charles I, and although he had already been disarmed and was not young enough to fight, sent money to Flanders to raise troops and buy equipment for the king. At the Restoration Brudenell claimed he had spent £17,000 on the royalist army.⁴⁴⁷ He claimed to have funded a troop of horse under the command of his brother, John.⁴⁴⁸ His son was also thought to have fought for the king and had been captured by Parliamentarian troops at the Battle of Naseby. Brudenell had his estates sequestered for delinquency and recusancy. He petitioned the House of Lords for protection against further prosecution. He, his wife and his twelve sons were granted a pass to travel to

⁴⁴⁴ Newman, *Royalist Officers*, pp. 288, 6; J. Binns, ‘Henry Constable, first Viscount Dunbar (1588-1645), *ODNB*. Thomas Lord Arundel died at Stratton in 1643 (Newman, *Royalist Officers*, p.6) and Henry Constable died at the siege of Scarborough Castle in 1645. Constable had been condemned by the House of Commons in 1642 for being a dangerous papist for having supplied the king with arms to fight the Scots. He had become a colonel in the earl of Newcastle’s army in 1644. All three of Constable’s sons were royalists (Binns, ‘Henry Constable’).

⁴⁴⁵ CSP Dom, 1648-9, p.304.

⁴⁴⁶ J. Wake, *The Brudenells of Deane* (London, 1954), pp.103-4.

⁴⁴⁷ *Ibid.* p.126.

⁴⁴⁸ *Ibid.* p.130.

France.⁴⁴⁹ Parliament soon heard of Brudenell's plans and sent a troop of 300 horse to arrest him in March 1643. He escaped capture but the parliamentarians plundered his house. The parliamentarians arrested him two years later after they found him in one of the king's garrisons in Herefordshire. Brudenell was convicted of treason in January 1646 and was imprisoned in the Tower of London for 'levying war against Parliament'.⁴⁵⁰ He was released four years later and spent most of the Interregnum trying to free his estates from sequestration. He petitioned Parliament stating that he was innocent of 'least injury to the Parliament ... and never furnished the late king's party either with horse, plate money or ammunition to the value of sixpence'.⁴⁵¹ He successfully released his estates from penalties for delinquency in 1651 after an in-depth examination by the commissioners for compounding at Goldsmith's Hall. Yet Brudenell refused to take the Oath of Abjuration and his estates remained sequestered for his delinquency.⁴⁵² Throughout the Interregnum Brudenell continually agitated the Rump and the Protectorate for toleration for the English Catholic community.⁴⁵³

John Paulet, the fifth marquis of Winchester, had been a leading member of the English Catholic community during the personal rule and was a favourite at the court of Charles I.⁴⁵⁴ At the beginning of the conflict between the king and Parliament, however, Paulet tried to remain neutral, keeping to himself in his residence of Basing House in Hampshire. By the summer of 1643 it came to the attention of the parliamentarians that royalist soldiers had been staying there and so it was proposed to attack and disarm Paulet's residence. News of these plans soon reached the marquis who petitioned Charles for troops to defend his estate. A royalist foot regiment was duly sent and Basing House became a large royalist garrison. It was besieged twice, first unsuccessfully in June 1643, and then in August 1645. Paulet refused to surrender, and

⁴⁴⁹ Ibid. p.131.

⁴⁵⁰ CCC, II, p.1079.

⁴⁵¹ Brudenell Mss I.xii.9; I.xii.12a; HMC Portland, I, p.655.

⁴⁵² CCC, II, p.1079-1081; Wake, *Brudenells of Deane*, p.153. It was not until after the Restoration that Brudenell was discharged from his status of popish recusant although evidently he still was one!

⁴⁵³ After the failure of the Three Propositions, Brudenell petitioned Parliament in 1652 and 1654 and was asked to intervene again on behalf of the Catholics in 1658 although there is no record of him actually doing so. This will be explored in greater depth in the next chapter.

⁴⁵⁴ R. Hutton, 'John Paulet (1598-1675)', *ODNB*.

he and his troops withstood the siege for two months, but the house was finally stormed in October.⁴⁵⁵ The garrison was massacred. The fall of Basing House was noted by the Venetian ambassador who lamented that the parliamentarians had ‘made an important capture’.⁴⁵⁶ Paulet, ‘one of the leading Catholics of his country’ along with his wife, children and ‘a good number of religious and other Catholics’ were imprisoned in London ‘as well as a notable booty of wealth of all the country round, stored there’. After Paulet’s capture and imprisonment for treason he was allowed to attend Charles I, after the king’s capture by the Scots in 1646, but was soon returned to the Tower.⁴⁵⁷ His estates were sequestered and he remained imprisoned until the 1650s, although he was temporarily released twice because of ill health.⁴⁵⁸ There was an attempt after the Restoration to recompense Paulet for the loss of Basing House, but no compensation ever materialised.⁴⁵⁹

Edward Somerset, sixth earl of Worcester and Lord Herbert of Raglan, joined both his father, Henry Somerset, fifth earl and first marquess of Worcester, and his brother Charles Somerset, Lord Somerset, in the royalist army. The Somersets were a dominant force in South Wales and Monmouthshire on account of their religion and wealth.⁴⁶⁰ Although Henry Somerset’s input into the royalist cause was purely financial (his wealth allowed such high contributions to the king’s cause that he was made a marquis in 1643), Edward was a colonel of horse, foot and dragoons and became Lord General of the royalists in the west along with the marquis of Hertford. His brother Charles was a colonel of horse and foot at Raglan Castle, Monmouthshire, the family seat.⁴⁶¹ Edward fought at Highnam Bridge and Newbury and helped to repair garrisons in Monmouthshire. In January 1645 Charles made Edward earl of Glamorgan, although the process was never completed. He was then sent to Ireland to take part in the

⁴⁵⁵ T. Holland, *Thames Valley Papists*, p.91.

⁴⁵⁶ CSP Ven, 1643-1647, p.219.

⁴⁵⁷ Ibid.

⁴⁵⁸ Ibid; CCC, II, p.2372; CCC, III, p.2533.

⁴⁵⁹ A fair compensation allowance for Paulet was considered to be £19,000 (Holland, *Thames Valley Papists*, p.97).

⁴⁶⁰ Roy, ‘The Royalist army in the first civil war’, pp.15, 16.

⁴⁶¹ Newman, *Royalist Officers*, pp.350-352; S.K. Roberts, ‘Edward Somerset, second marquess of Worcester (d. 1667)’, *ODNB*. It was claimed at the Restoration that Henry Somerset had contributed £900,000 to the king’s cause (Roy, ‘The Royalist army in the first civil war’, p.15).

negotiations with the Irish Confederates.⁴⁶² The king later made Edward a subordinate to Ormond, Lord Lieutenant in Ireland, but this did not prevent Somerset from signing his own secret treaty on behalf of the king with the Confederates which gave generous allowances to the Irish Catholics, including abolishing the penal laws against them and freeing them from Protestant clerical jurisdiction.⁴⁶³ When news leaked of the treaty the king, fearing that the treaty would lose him valuable support in England, completely abandoned Somerset. Somerset was arrested by Ormond and charged with treason. He was freed on bail over a month later because the royalist cause in England badly needed the support of the Irish troops Somerset had managed to raise, even if he did not manage to transfer all the troops across to England.⁴⁶⁴ By August 1646 Raglan had surrendered to the parliamentarians. Four months later, on the death of his father, Somerset was made earl of Worcester. He was exempt from pardon, banished and had his estates confiscated primarily for his actions in Ireland with the Confederates.⁴⁶⁵ Somerset was allowed back into the country in July 1652 but was promptly imprisoned and spent the next two years petitioning for relief and for bail, complaining that he had to live on credit, could not afford to pay for his Tower lodging and had no money to buy his own bread.⁴⁶⁶ The Venetian secretary even commented on his plight, writing that:

The parliamentarians remain utterly hostile to the nobility and great personages of the country, and the present state of affairs subjects those accused as delinquents to greater persecution than ever. Every other day one sees one of those despoiled of fortune or estates on mere suspicion, and reduced from great affluence to utter misery. Some of them find this so difficult to bear that they condescend to tender allegiance and obedience to Parliament. This has happened lately with the earl of Worcester, one of the leading nobles formerly worth 50,000l of which he must now, like others, rest content with such portion as Parliament may choose to assign him for his maintenance.⁴⁶⁷

Somerset successfully petitioned for bail in 1654 and was then granted a pension from the Commonwealth of £3 a week as his estates remained confiscated. The earl of Somerset spent the rest of the Protectorate working on scientific experiments on steam

⁴⁶² Edward had been admitted to the king's circle in the 1630s. No doubt the king was attracted by the family's considerable wealth (Ibid).

⁴⁶³ Ibid.

⁴⁶⁴ Ibid.

⁴⁶⁵ JHL, VI, p.165 (3rd August 1643).

⁴⁶⁶ CSP DomCom, 1652-3, pp.67, 100, 248.

⁴⁶⁷ CSP Ven, 1647-1652, p.266.

with his scientific partner Calthoff who had been brought back to England from the Netherlands by the regime, which may explain why Somerset had been released and pensioned.⁴⁶⁸ At the Restoration he managed to regain his vast estates.

Henry Arundell became third baron Arundell of Wardour on the death of his father Thomas, second Lord Arundell of Wardour at the battle of Stratton in 1643. Both men were staunch royalists. Henry was a Commander of the Lifeguard of Horse to the marquis of Hertford at the Battle of Lansdowne in 1643.⁴⁶⁹ Arundell soon turned his attentions to recapturing his ancestral home, Wardour Castle in Wiltshire, which had been taken by the parliamentarians after a successful siege, bravely fought by Lady Blanche Arundell, his mother. After a six-month siege Arundell finally retook the castle in March 1644 and completely destroyed it so it could no longer be used as a garrison.⁴⁷⁰ In 1645 his estates were sequestered for his delinquency and recusancy. He compounded for his estates in 1653.

There are, of course other examples of elite Catholic royalism. John Savage, second earl Rivers, succeeded to his title in 1639. He was a commissioner for the king and raised an infantry regiment in September 1642 in Cheshire.⁴⁷¹ Rivers, was stationed in the king's garrison in Oxford where he sat in the Parliament held there in 1644.⁴⁷² On 1st October 1645 he was before the Committee of Compounding, to compound on the Bristol Articles for his delinquency.⁴⁷³ His estates were sequestered on the grounds of delinquency and recusancy, although he took the Oath of Abjuration in March 1649 which released him for his recusancy status. He died in 1654 heavily in debt.⁴⁷⁴

Henry Parker, Lord Morley and Monteagle, was a colonel of horse at Hornby Castle in Lancashire. Parker provides an interesting case study because even though he

⁴⁶⁸ Roberts, 'Edward Somerset', *ODNB*.

⁴⁶⁹ Newman, *Royalist Officers*, p.25.

⁴⁷⁰ P. Sherloch, 'Henry Arundel (bap 1608-1694)', *ODNB*.

⁴⁷¹ Newman, *Royalist Officers*, p.331.

⁴⁷² *Ibid.*

⁴⁷³ CCC, II, p.914.

⁴⁷⁴ Newman, *Royalist Officers*, p.331.

was a Catholic gentleman, he was also a JP in Lancashire.⁴⁷⁵ The civil war came at an opportune time for him, as he was charged with murder in 1642, but was never tried, since matters of state took priority.⁴⁷⁶ Parker recruited his own regiment and seems to have spent the majority of the war in the North. He surrendered at Skipton Castle in Yorkshire in December 1645.⁴⁷⁷ Parker's royalism seemed to have spread to his household as one of his servants, John Baines, a Catholic himself, joined his master's regiment as a lieutenant colonel of horse.⁴⁷⁸ Parker's estates were assessed at £3000 and sequestered in March 1646 for recusancy and delinquency.⁴⁷⁹ He refused to take the Oath of Abjuration and stayed faithful to his religion. He was charged and found guilty of hearing Mass said and sung on the 25th and 27th December 1650 at a Mr Crouly's house in Long Acre, Martins-in-the-Fields.⁴⁸⁰ Thus, he was included in the Treason Act of 1652.⁴⁸¹ By the 6th August 1651 Lord Morley was in prison in the Upper Bench for his religion.⁴⁸² Philippa, Lady Morley, spent the early 1650s fighting for an allowance of one fifth of their estates, arguing in October 1650 that she did not have enough money to educate her son.⁴⁸³ By July 1651 he had also petitioned for the same allowance. This was granted but speedily suspended following Lady Morley's complaints to the Committee for Compounding that since the allowance her son had 'been taken by cavaliers into Lancashire, and she has just cause to fear his being 'surprised and unworthily married or otherwise bred up to his ruin and distraction'.⁴⁸⁴ She asked that the Committee 'put him into such hands as may breed him up in the fear of God'. She criticised Lord Morley for being 'ready to give assistance to those who would undo the child'.⁴⁸⁵ It appears that Lord Morley wanted him to be brought up and stay a Catholic whereas Lady Morley, a convicted recusant herself, wished him to conform. In February 1652 Daniel Blagrove,

⁴⁷⁵ Ibid. p.286.

⁴⁷⁶ Ibid. Parker had already been issued with a fine for assault by the Star Chamber in 1634 (CSP Dom, 1633-4, p.455).

⁴⁷⁷ Newman, *Royalist officers*, p.286.

⁴⁷⁸ Ibid. p.14. Baines was captured in Lancashire in 1644.

⁴⁷⁹ CCAM, II, p.693.

⁴⁸⁰ J.C. Jefferson (ed.), *Middlesex County Records. III, Indictments, recognizances, coroners' inquests-post-mortem, orders, memoranda and certificates of convictions of conventiclers, temp. 1 Charles I to 18 Charles II* (Clerkenwell, 1888) pp.193-200.

⁴⁸¹ JHC, VII, pp.148-149, 198-202 (2nd July and 28th October 1652).

⁴⁸² CCC, III, p.2278.

⁴⁸³ Ibid.

⁴⁸⁴ Ibid.

⁴⁸⁵ Ibid.

an MP, was judged an ‘unfit guardian... by reason of employment’ by the Committee and Thomas Parker was instead placed in the guardianship of Mr Arthur, minister of Clapham.⁴⁸⁶ Lord Morley died in 1655.

These, then, are examples of a variety of militant royalism amongst the leading gentry. But this was not the only possible response to the upheavals of the 1640s. There is no surviving evidence that shows that either William, Lord Stourton, or Henry Neville, Lord Abergavenny, fought for the king during the civil war although both resided in the king’s garrison in Oxford and surrendered to Thomas Fairfax there in 1646.⁴⁸⁷ William, Lord Stourton’s estate in Wiltshire was garrisoned for the king during the first part of the war but surrendered to the parliamentarians in September 1644.⁴⁸⁸ At the surrender of Oxford Lord Stourton, along with Lord Abergavenny and three other Catholic gentlemen, Edward and William Thorold and John Paston, petitioned Fairfax on behalf of themselves and other Catholics within the garrison, for assurances of their safety and leave to compound for their recusancy.⁴⁸⁹ These men believed that they would be included in the Oxford Articles but after the surrender found they were

⁴⁸⁶ Ibid. Thomas Parker had not always been under the guardianship of Blagrove as in 1651 his guardians were named as John Ford (there is no evidence to suggest that this was the playwright John Ford) and Thomas Middlemore. Blagrove become involved with the sequestration of royalist estates (and attempted to become steward of forfeited estates in Berkshire, which was where one of the Morley estates was located) was made a commissioner for forfeited estates in 1651 which must have been how he had originally come into contact with Thomas Parker (J. Peacey, ‘Daniel Blagrove (bap. 1603, d. 1688?)’, *ODNB*). As early as 1650 an uneasiness was felt by fellow commissioners that Blagrove’s role as a steward would lead to a conflict of interest with his official role as MP and sequestor, perhaps explaining the Committees’ choice to remove him as guardian (Ibid.). Thomas Parker inherited the title of his father and did remain a Catholic. He married Mary, a daughter of Henry Marten, another regicide. Marten was however, known to support religious toleration for Catholics (S. Barber, ‘Henry [Harry] Marten [Martin] (1601/2-1680)’, *ODNB*).

⁴⁸⁷ B. Stapleton, *A History of Post-Reformation Catholic Missions in Oxfordshire* (London, 1906), pp.10, 12. Lord Stourton had complained to the House of Lords in October 1642 that he was being molested by soldiers in Hampshire and asked for a letter of protection from Parliament as the protection he had already received from the earl of Pembroke had not been enough (JHL, V, pp.393-396 (11th October 1642)).

⁴⁸⁸ Lord Mowbray, Seagrave and Stourton, *The History of the Noble House of Stourton* (London, 1899), p.495; G. Oliver, *Collections illustrating the history of the Catholic religion in the counties of Cornwall, Devon, Somerset, Wilts and Gloucester* (London, 1857), pp.97.

⁴⁸⁹ Stapleton, *History of Post-Reformation Catholic Missions*, p.12; J. Williams, *Catholic Recusancy in Wiltshire 1660-1791* (Newport, 1968), p.210.

excluded.⁴⁹⁰ Lord Stourton was adamant that he should be allowed to compound for leaving his home and travelling to the king's garrison because he 'never bore arms, nor otherwise assisted the King', although his eldest son was killed at Bristol.⁴⁹¹ He had earlier attempted to compound for his estates but had been refused passes to either London or Wiltshire.⁴⁹² Lord Stourton successfully applied to Parliament in July 1648 for passes to return to his estate in Wiltshire for his family.⁴⁹³ Lord Stourton finally compounded for his estates in December 1649 and there does not appear to be much more information about his experience of the Commonwealth and Protectorate except that one of his sons was thought to have taken part in Penruddock's rising in 1655.⁴⁹⁴

There is little evidence that Lord Abergavenny was militarily involved in the royalist army during the civil war either.⁴⁹⁵ The deputy lieutenants of Kent were instructed to take any arms stored in his house into custody in April 1642.⁴⁹⁶ After the surrender of the king's garrison in Oxford Abergavenny petitioned the Committee for Compounding on 31st March 1648 on the basis that he had left parliamentary quarters and had only resided in the king's quarters.⁴⁹⁷ Obviously the Committee refused to grant any sort of leniency, as in June 1649 he petitioned Lord Fairfax, complaining that his estate had been so tightly restricted that he could not raise money to pay his composition, which he judged 'the tightest of any of the Oxford Articles'.⁴⁹⁸ Indeed, things looked bleak for Abergavenny. He was imprisoned in the Tower of London in 1651, but was granted liberty of the Tower in 1651 and allowed to travel to stay at his estate in Scotland in March 1652 'on bond with good security'. On his arrival he was

⁴⁹⁰ Fines for compositions to these men found in the king's garrisons or towns under royalist control who surrendered on Articles of War always fell below the usual rates for composition so all these men who were considered delinquents were eager to claim on these Articles (CCC, V, p.xvi). At first all delinquent Catholics were excluded from claiming these benefits of the Articles of War but on the 16th March 1648 Parliament passed an order allowing Catholic royalists to compound at one third of the value of their estates in accordance with the Oxford Articles (CCC, V, p.xi).

⁴⁹¹ CCC, II, p.1583. It seems unlikely that Stourton would have assisted the king financially as previously he had claimed that he had inherited a weak estate and had only paid 300l instead of the 500l requested by the king for the Bishops war in 1639 on account of his debts (CSP Dom, 1638-9, pp.472-473).

⁴⁹² Mowbray, *History of the Noble House of Stourton*, p.495.

⁴⁹³ JHL, X, pp.362-364 (5th July 1648).

⁴⁹⁴ Williams, *Catholic Recusancy in Wiltshire*, p.210.

⁴⁹⁵ Aveling, *Handle and the Axe*, p.169.

⁴⁹⁶ JHL, V, pp.284-286 (12th August 1642).

⁴⁹⁷ CCC, II, pp.869.

⁴⁹⁸ Ibid.

imprisoned at Leith but soon released.⁴⁹⁹ Abergavenny's composition was still unresolved in March 1654, when he petitioned the Committee denying he was a 'papist in arms' and asking for his case to be adjusted so he could compound for two thirds of his estate rather than just a third. Six months later Abergavenny was finally allowed to compound on the Oxford Articles and the Committee were ordered to repay the balance of just over £2,858 that they had wrongly taken from his estates.⁵⁰⁰ Little else is known of Abergavenny's movements during the remainder of the Protectorate apart from Parliament granting him a licence allowing him to be in London in 1658.⁵⁰¹

3.5. Conclusion.

As these studies suggest, Roman Catholic reactions to the civil war were not only varied but also highly individual. Catholic men such as Paulet, Arundell and Somerset were staunch royalists whereas the royalism of others, such as Brudenell and Abergavenny, was overt for only a short time. Changes occurred during the conflict. It can be of little surprise that as the prospects for the king's cause began to look dubious, the majority of Catholic support fell away in the interests of self-preservation. The cases of Brudenell, Fowler and Ashton are prominent examples. Catholic royalism could play out not just militarily but in financial donations to the king's cause. Ian Roy has shown that royalists in Yorkshire accepted arms and rents from recusants who wanted to support the monarchy but perhaps did not want to fight.⁵⁰² It has also been argued that at the beginning of the war the Catholics of Staffordshire and Shropshire donated between £4,000 and £5,000.⁵⁰³ As the case of Brudenell shows, this sort of financial assistance was difficult to prove and for these reasons this sort of royalism must have seemed an easy and safe way to support the king.

Catholic royalism should therefore be understood not as a consistent movement, but instead as the result of individuals or groups who participated to different degrees for different reasons. English Catholics were not wholly unified in their attitudes or actions

⁴⁹⁹ CSP DomCom, 1651-2, pp.76, 167, 178; 1652-3, p.225.

⁵⁰⁰ Ibid.

⁵⁰¹ Ibid. 1657-8, p.551.

⁵⁰² Roy, 'The Royalist army in the first civil war', p.30.

⁵⁰³ Greenslade, *Catholic Staffordshire 1500-1850*, p.97.

during the 1620s and 1630s and it would be misguided to believe that they were in the 1640s. As John Walter suggests in his case study of the Stour Valley riots in Essex, English Catholics were not uniformly positive royalists, but were sometimes pushed together by circumstances – most obviously anti-Catholic puritan, parliamentary agitation. Their behaviour during the interregnum pays testament to this. English Catholic royalism has, however, only really been conceptualised in the terms set out by the English Catholic recusant tradition: military involvement during the conflict. Very little Catholic primary evidence exists to substantiate claims of English Catholic royalism. This is hardly surprising. The English Catholic community had good reason to underplay their commitment to the king after his defeat and it seems perfectly logical that Catholic royalists would have taken care to destroy any incriminating material that they had in their possession. Yet little attention has been paid to English Catholic reactions to the Interregnum either. In many ways English Catholics' behaviour during the 1650s sheds more light on the nature of Catholic royalism during the civil war than attempts to count up the number of Catholics who bore arms. Exploring this later period allows a clearer understanding of the political capabilities of the English Catholic community during the early seventeenth century, in particular Catholic factions' willingness to adapt their political ideologies to changing political regimes. This is the subject of the next chapter.

4. Turn Oak or Bramble?⁵⁰⁴ The English Catholics during the Commonwealth and Protectorate.

This chapter explores the English Catholic community's reactions to the defeat of the king. It shows that some parts of the community were willing to turn their backs on the Stuarts and attempt to negotiate with the Commonwealth and Protectorate. The republican regime were open to varying levels of negotiation with the English Catholics because of their need to garner support from Catholic European powers. But this did not mean that they wanted or were able to give the English Catholics what they most desired: full toleration. On the contrary, persecuting Catholics remained an important route to domestic political support. Other parts of the community remained loyal to the Stuarts, who were also mindful of the English Catholics' utility as a bargaining chip in European diplomacy. It seems likely, however, that for most Catholics the immediate need for security outweighed longer-term dedication to the exiled court.

The new political landscape that emerged after the English civil war and after the regicide fractured the synergy between different ideological and political visions within the Catholic community. Broadly, three schools of thought were apparent: Blackloists, Hispanophiles and Francophiles. It should be noted that here I use the terms 'Francophiles' and 'Hispanophiles' as convenient means to identify those within the Catholic community who looked respectively to France and Spain (and the ecclesiastical authority of Rome) during the Elizabethan and Stuart periods. Whilst this shorthand significantly eases the writing and reading of the thesis, it should not be taken as imposing an ahistorical coherence on what were sometimes disparate groupings. The Blackloists believed that they needed to sever all connections with the exiled Stuart court and the pope to enable negotiation with the commonwealth for religious toleration. The Hispanophiles also believed in the importance of moving away from dependency on France and the royalist party in order to take advantage of the political position of Cromwell and the Independents. Yet, the Hispanophiles, unlike the Blackloists, were

⁵⁰⁴ This is a reference to Christopher Wyvill's tract *A Discourse for the Ears of Some Romanists*. See chapter 3.

still courting the pope, who was keen for a peace to be brokered between England and Spain. This would help toleration for Catholicism in England independent from the eventual fate of the Stuart cause. The Francophiles, on the other hand, remained loyal to the Crown. Historical attention has almost all focused on the first of these groups, the Blackloists. This focus on the Blackloists overshadows the most important divisions within the Catholic community at the time.⁵⁰⁵ It also obscures the interconnection between foreign and domestic affairs and Catholic political thought.

Explaining these interconnections is a complex task, which requires revisiting the same periods several times from different perspectives. In doing so it will be helpful to keep in mind a general chronology of the three groups' stances over negotiating with the king and the Army, and then the Commonwealth and Protectorate. In 1647 the Francophiles and Hispanophiles supported a three-way deal between themselves, the king and the Independents and were attempting to sidestep the contentious issue of papal power. The Blackloists were also willing to take part in such a deal but wanted to abandon the papacy altogether. The lack of archival material of 1648 suggests that the Catholics made no approaches to the king or the Army during this time. They were presumably waiting to see what would happen during the second civil war, following the king's Engagement with the Scots. After the regicide, however, opportunities arose for all three groups to negotiate and make concessions with a range of interested parties. The Blackloists remained alienated from the papacy and now turned their back completely on the exiled Stuarts. The Hispanophiles also discarded their support for the monarchy but would not abandon their allegiance to the papacy. The Francophiles, on the other hand, remained loyal to both the Stuarts and the papacy.

Essentially this chapter falls into two halves. The first deals primarily with the period between the Scots' handover of the king to Parliament in January 1647 and Oliver Cromwell's assumption of the Protectorate at the end of 1653. Within this half there are four sections. The first explores English Catholic negotiations with the Army

⁵⁰⁵ Clancy, 'The Jesuits and the Independents: 1647'; Collins, 'Thomas Hobbes and the Blacklowist Conspiracy of 1649'; Tutino, 'The Catholic Church and the English Civil War: The Case of Thomas White'; idem, *Thomas White and the Blackloists*; B. Southgate, *Covetous Truth of Thomas White*.

and the king in 1647. The second, third and fourth parts investigate the Blackloists', Francophiles' (including the exiled court) and the Hispanophiles' reactions to the execution of the king and how this affected their negotiations with the Commonwealth and their visions for the future of the community. The second half of this chapter focuses on the period between 1654 and 1658. It turns from a concentration on the factional politics within the Catholic community to the treatment of Catholics under the Protectorate and the negotiations between the Catholics and the Protectorate, and Catholics and the exiled Stuart court. This chapter ends by arguing that the Catholic community's positions under Jacobean, Stuart and republican regimes were strongly similar.

4.1. The beginning of the negotiations.

One Catholic reaction to the likely defeat of the king was to take the opportunity to improve their situation. The collection of the Constable Maxwell family of Everingham contains the heads for a petition of unknown authorship, drawn up to be presented to Parliament in 1646. It asked for the penal laws in force against the Catholics to be repealed. It also suggested that Catholics should not be persecuted for their allegiance to Charles I, because the king's powers were 'immediately from God and must be obeyed for conscience sake'.⁵⁰⁶ Neither should those who sought refuge in the king's garrisons be condemned, as it was a necessary action for self-preservation. Parliament should not let a 'flight in to a garrison to [be] like a sin against the Holy Ghost conceived unpardonable'.⁵⁰⁷ The petition asked that Parliament 'treat us like Christians, fellow subjects ... make us capable of what freemen and honest men is to enjoy'.⁵⁰⁸ Although the petition indicates arguments about Catholic loyalty that were already current, it does not appear that it was ever actually presented.

The Scots' handover of the king to a victorious Parliament on 30th January 1647 signified a dramatic shift in the political landscape. The deep divisions between

⁵⁰⁶ U DDEV/68/248/6. 'Heads for a petition on behalf of the Catholics of England to the 2 houses of parliament'.

⁵⁰⁷ Ibid.

⁵⁰⁸ Ibid.

Presbyterians, who were now the majority in Parliament, and the parliamentary Independents provided opportunities for the king and the Catholic community, who hoped to exploit this rivalry to secure favourable terms in the future. The papal nuncio in Paris, Nicola di Bagni, approached Rome on behalf of the English Catholics to ask permission to begin discussions.⁵⁰⁹ In July 1647 the French ambassador, Monsieur de Bellievre wrote to the papal court informing them that in a meeting with Cromwell and Fairfax he had been assured that they would extend religious toleration to the whole country.⁵¹⁰ It was not until late summer 1647 that rumours of negotiations became more widely known. In a letter, dated 30th August 1647, from Peter Biddulph (alias Fitton) dean of the English chapter, to Kenelm Digby, the queen's agent in Rome, Biddulph stated that the Independents and the king had given 'solid hopes of a liberty of conscience for Catholics in England' on the understanding that the Catholics' subjection to the pope did not 'prejudice' their allegiances to the monarch or the State.⁵¹¹ Biddulph declared that, although the king did not state it publicly, he 'would have the Army to make it their request unto him'. The priest had been told that the king 'hath advised the Catholics to treat with the Army about it' in the form of an oath of allegiance.⁵¹² The formulation of such oaths was to give the factions within the English Catholic community the chance to offer allegiance to the Commonwealth, the Protectorate and other interested parties.

At the same time of Biddulph's letter the Venetian Ambassador in London wrote that it was 'considered certain' that Charles I had made an agreement with Thomas Fairfax. Part of the agreement was that Parliament would accept the toleration of Catholics with the 'pecuniary penalties' which had been levied under the Caroline regime.⁵¹³ Five days later, on 3rd September, he wrote that the Catholics had proposed to the Army, via their deputies, a 'project whereby their religion shall be tolerated and the penal laws and punishments abolished'.⁵¹⁴ This referred to the approach made by the

⁵⁰⁹ Clancy, 'The Jesuits and the Independents', p.70.

⁵¹⁰ Ibid. p.68.

⁵¹¹ *Blacklo's Cabal*, p.21 (Mr Fitton to Sir Kenelm Digby, August 1647).

⁵¹² Ibid.

⁵¹³ CSP Ven. 1647-1652, p.15.

⁵¹⁴ Ibid. p.16.

Jesuit Henry More, who had been sent to the army by George Ward to answer questions concerning Roman Catholic theology and allegiance to the State in order to quell the army's distrust of such a scheme.⁵¹⁵

The 'project' was More's Three Propositions; really an oath of allegiance in response to the Army's. They rejected the idea that the pope or Church had power to over-ride a subject's obedience to civil government and deemed that the pope could not dispense with an oath to a heretic or allow the killing of anyone who had been condemned as a heretic or excommunicated by the Roman Catholic Church.⁵¹⁶ The Propositions were signed by nine clergymen: George Gage, Thomas Carr and Philip Clampett, who were seculars; Henry More and George Ward, who were Jesuits; Thomas Dade, a Dominican; William Penry, a Carmelite; Bonaventure Bridges, a Franciscan and William Palmer, a Benedictine. The oath was condemned by the Holy See, however, who argued that it was too similar to the Oath of Allegiance of 1606 and prejudiced the pope's authority.⁵¹⁷ The two Jesuit priests, Henry More and George Ward, who had signed the propositions were punished by the Holy See for their part in the debate and sent into exile in the Low Countries.⁵¹⁸

The Three Propositions were swiftly followed by the Catholic laity's own proposals for an agreement with the Independent party.⁵¹⁹ These differed from the clergy's. Whereas the clergy made clear that the Three Propositions were conditional on parliament granting Catholics religious liberty, the laity claimed they would accept the Three Propositions before any parliamentary action.⁵²⁰ The laity's proposals were signed by men from both the pro-Spanish and pro-French sections of the community, including the Marquis of Winchester, Lord Brudenell, Lord Petre, Lord Teynham, Lord Powis, Walter Montagu and twenty-seven other leading Catholic gentry.

⁵¹⁵ Clancy, 'The Jesuits and the Independents', p.72-72.

⁵¹⁶ AAW, A xxx, no.86 ('Propositions set forth by some Catholics').

⁵¹⁷ Tutino, *Thomas White and the Blackloists*, p.46.

⁵¹⁸ Ibid. p.5.

⁵¹⁹ AAW, A xxxi, no.128 and the second copy of Some Propositions AAW, A xxx, no.87.

⁵²⁰ Clancy, 'The Jesuits and Independents', pp.77-78.

The English Catholics' desire to be part of any negotiations between the king and the Independents depended on their ability to show that English Catholicism was consistent with the 'civil government' now in place. Later in September 1647 another petition was presented to parliament pledging the allegiance and fidelity of the Catholics in England to the king 'now reigning to be true and lawful king ... and rightful sovereign to this realm'.⁵²¹ The petition continued to pledge true allegiance to 'my said king, State or parliament and country ... [disclaiming] all foreign power be it either papal or princely spiritual or temporal'.⁵²² The pope's power was limited in the petition, but allegiance was pledged first and foremost to the king and to parliament. There were still hopes at this time of a deal between king and parliament and Catholic negotiations with the Independents did not mean they had abandoned the monarch. The dean of the chapter, Peter Biddulph, wrote to Sir Kenelm Digby on 30th August 1647 asking him to 'make advantage of this business to get some thing from the pope to oblige the queen, and to keep the king in a good mind towards us'.⁵²³

Charles I's execution, however, changed everything. One section of the community utterly refused to negotiate with the new regime. Dr Winstad wrote in a letter to Sir Edward Nicholas in February 1649 that he would rather suffer at Tyburn 'then my public liberty to serve God should spring from the bloody murder of my sovereign'.⁵²⁴ But the regicide also marked the beginning of petitioning to Parliament from factions within the community who judged the king's death an ideal time to distance themselves from the exiled Stuart court in order to secure benefits from the new regime and establish their own dominance over all English Catholics. The Blackloists, Francophiles and Hispanophiles reacted differently to this new situation.

⁵²¹ AAW, A xxx, no.84 ('To the high and humble Courte of Parliament the humble petition of the Catholicks of England').

⁵²² Ibid.

⁵²³ *Blacklo's Cabal*, p. 22. (Mr Fitton to Sir Kenelm Digby, 30th August 1647).

⁵²⁴ T. Carte, *A Collection of Original Letters and Papers concerning the affairs of England, from the year 1641 to 1660: found among the Duke of Ormonde's papers*, I. (London, 1739), p.22 (Extract of Dr Winstad's letter to Sir E Nicholas from Rouen, 27th February 1649).

4.2. The Blackloists.

After the regicide the Blackloists – the secular priests Thomas White, alias Blacklo, and Henry Holden and the queen’s agent in Rome, Sir Kenelm Digby – abandoned the Stuarts altogether. To understand their actions it is necessary to return to their attitudes towards the Catholic community’s initial negotiations with the Army in 1647. The Blackloists had disdained these early, tentative steps towards compromise with the Independents, not because it was happening but because they perceived them to be conditioned by kow-towing to the papacy. The Blackloists were angered that the papacy had prevented English Catholics from achieving an accommodation with the Independents. Their willingness to offer large concessions concerning the practice of the faith were charted by a collection of the group’s correspondence, entitled *Blacklo’s Cabal*, created by the priest Robert Pugh.⁵²⁵ He felt that the actions and beliefs on this faction resembled ‘rather the confusion of Calvin’s synagogue than the union of the Catholic church’.⁵²⁶ The Blackloists’ proposals for negotiations with the Independents attempted to separate religious from political allegiance severing ‘the connection between the envisaged Catholic Church and the pope’.⁵²⁷

In a letter written to Digby, Holden reported that when he and Blacklo first presented their ideas to Biddulph ‘he like a Roman could not digest it’.⁵²⁸ In the same letter Holden revealed that Lord Brudenell and Lord Montagu, the ‘chief actors’ in the negotiations with the Independents, would only treat further with the Army with papal approval.⁵²⁹ Brudenell and Montagu were, during the late 1640s, under the influence of the Tuscan ambassador’s priest, Gilles Chaissy, who championed the English Catholic community’s dependence on Rome.⁵³⁰ Chaissy had been sent to England in June 1625 by the French king and Cardinal Richelieu to accompany Henrietta Maria after her marriage to Charles I.⁵³¹ The priest had worked to convert prominent Laudians and had

⁵²⁵ *Blacklo’s Cabal*, The Epistle to the Catholick reader.

⁵²⁶ Ibid.

⁵²⁷ Bossy, *The English Catholic Community*, p.66.

⁵²⁸ *Blacklo’s Cabal*, p.26 (Dr Holden to Sir Kenelm Digby, 6th September 1647).

⁵²⁹ Ibid.

⁵³⁰ Ibid. p.52 (Sir Kenelm Digby to Mr Fitton, 7th October 1647).

⁵³¹ C. Gubin, ‘Aegidius Chaissy OFM and James Ussher, Protestant Archbishop of Armagh’, *Irish Ecclesiastical Record*, 85 (1956), pp.393-405, at p.393.

managed to convert some of the doctors at the University of Oxford whilst teaching there.⁵³² Chaissy had attempted to convert James Ussher, the Protestant Archbishop of Armagh. Plans had been set to offer the Archbishop fifteen hundred scudi to leave for Rome, but these negotiations were unsurprisingly unsuccessful.⁵³³ Known as Chaissy was for his intelligence, success and optimism when debating with non-Catholic controversialists, it is no wonder that the English Catholic laity looked to him to help them navigate the new political regime.

The Blackloists' proposals were radical. Holden wrote again to Digby a month later outlining the exact points of the group's propositions. Frustrated by the lack of progress from those members of the community already trying to treat with the Independents, he asked Digby in September 1647 to distribute the proposals in England; Digby was to make sure that copies fell into parliament's hands.⁵³⁴ The first point of the proposed oath was to 'let no foreign power intercede for them, nor meddle in the compounding of businesses for Catholics'.⁵³⁵ The Blackloists proposed that parliament should choose six or eight Catholic priests to be made bishops who would be in charge of the English community. These bishops would be 'sufficiently *Independent* of the pope'. Although they would acknowledge the pope as their 'head or chief pastor', he could not 'impose any special command upon them' if they and the commonwealth did not 'think it fit'.⁵³⁶ These bishops were only to administer spiritual authority and their powers on issues of temporal government, such as marriages and wills, would be limited.⁵³⁷ The oath was to be agreed by all members of the English Catholic community. Those who refused would be forced into exile. The Blackloists believed that

⁵³² Ibid. pp.397-8.

⁵³³ Ibid. p.404.

⁵³⁴ *Blacklo's Cabal*, p.31 (Dr Holden to Sir Kenelm Digby, 13th September 1647).

⁵³⁵ Ibid. p.32 (Dr Holden's Instructions' included in a letter from the divine to Sir Kenelm Digby, 1647).

⁵³⁶ Ibid. p.33.

⁵³⁷ Ibid. p.34.

this was compatible with the French system.⁵³⁸ Some Gallican thinkers stipulated an episcopacy and Church partially independent from papal authority, but answerable to the temporal power.⁵³⁹

Biddulph reported a month later that the community, especially Walter Montagu, had cried out against Holden's paper and intended to disown all his proposals. The Blackloists, however, were adamant that negotiations for toleration for the English Catholic community should not involve the pope. They believed that the pope had let the community down by not supporting them enough in a hostile environment and by failing to seize the political initiative from the division between the Presbyterians and the Independents. Sensing time was running out, Digby urged Holden at the beginning of October 1647 to close the deal with the Independents. 'Make them see their interest to strengthen themselves', Digby wrote, 'by union with the Catholic party, which may adhere to them, when after the parliament and Army dissolved, the Presbyterians will grow too hard for them'.⁵⁴⁰ Digby's anger towards the pope was evident. In September 1647 he wrote to Sir John Wintour claiming that if the English Catholics included the pope in the negotiations 'the business will be foiled'.⁵⁴¹ He argued that the court of Rome 'care no more for what Catholics suffer in England then the Marechal de Grament or my Lord Powis, or other such good natured men, do care for what the Christians suffer in China or Japan'. Over a month later Sir Kenelm wrote to Henry Holden about the 'wicked interested court' of Rome who held neither concern nor esteem for the English Catholics.⁵⁴² He went so far as to wish the pope would live longer so that Catholics could see his 'gross' neglect of God's service and resolve to do 'their business quietly by themselves'.⁵⁴³

⁵³⁸ Ibid. p.33. In a letter written by Henry Metham and three other Catholic student in France in 1654 they extolled the virtues of the French Gallicans. Metham hoped that '...through the compassionating zeal and provenance of those great lights of the Gallican Church, and true fathers of their country, whom the divine goodness, without merit of ours, hath inspired freely to power of their heavenly oil into our lamps, that are almost going out and dying'. English Catholicism, they wrote, had decayed in spirit and schism (Raw A18, f.117).

⁵³⁹ Collins, 'Thomas Hobbes and the Blacklowist Conspiracy', p.326.

⁵⁴⁰ *Blacklo's Cabal*, p.53 (Sir Kenelm Digby to Dr Holden, 7th October 1647).

⁵⁴¹ Ibid. p.44 (Sir Kenelm Digby to Sir John Wintour, September 1647).

⁵⁴² Ibid. p.67 (Sir Kenelm Digby to Dr Holden, November 1647).

⁵⁴³ Ibid.

This had not always been Digby's position. In 1645 he had defended Rome on the basis that it was working to further the community's interests.⁵⁴⁴ Presumably Digby's attitude towards the papacy changed due to the pope's reluctance to assist the king and queen in Ireland and the failure to respond to the English chapter's campaign for a bishop. Digby's disloyalty to his king and queen was probably nothing personal. Even Biddulph, who had reacted so abruptly against the Blackloists' proposals early on in the community's negotiations with the Independents, became aggrieved with the papacy's apparent ineffectiveness. At the beginning of October 1647 Biddulph wrote to Digby enclosing copies of the Provincials' and Seculars' Three Propositions and an oath of allegiance to be presented by the Catholics to parliament. The oath pledged allegiance to the king and rejected all conspiracies, heresies and treasons.⁵⁴⁵ Digby was charged to show both enclosures to the pope and to the cardinal protector of England. If they disliked the proposals Digby was to tell the pope that 'until he give the clergy a superior, and settle ordinary jurisdiction amongst us, worser things will be done then this'.⁵⁴⁶ Biddulph recovered a positive attitude towards the papacy in May 1650, when he became the English clergy's agent in Rome. He also relinquished his tie with the Blackloists. Unfortunately for him, the die had already been cast. Whilst he attended a chapter meeting in England in August 1649, articles against him were presented to the exiled Charles II. The claim was that Biddulph was an enemy of monarchical authority and supported the Commonwealth.⁵⁴⁷

This anti-papal sentiment was characteristic of the Blackloists. Thomas White's writings, supporting Cromwell whilst turning his back on Catholic teachings on the supremacy of Rome, are remarkable. In his book *The grounds for obedience and government*, published in 1655, he went further, justifying the overthrow and execution of Charles I. The Protectorate, White wrote, was a legitimate form of government

⁵⁴⁴ Ibid. p.3 (Sir Kenelm Digby to Dr Holden, 26th December 1645).

⁵⁴⁵ Ibid. p.49 (Mr Fitton to Sir Kenelm Digby, 4th October 1647).

⁵⁴⁶ Ibid. p.48.

⁵⁴⁷ CISP, 37, f.111. (Articles delivered to the king at St Germaines by Mr Starky).

because Cromwell had acted for the best interests of the people.⁵⁴⁸ White centred his arguments on the idea of a social contract and what he termed ‘natural law’.⁵⁴⁹ The overthrow of Charles I had been legitimate because when a monarch, government or magistrate came to power they contracted ‘an obligation of obedience’, which was taken when a ‘Governor’ acted in a tyrannical manner and the ‘tyranny of the Governor is greater then the mischief hazarded’, for example rebellion or treason.⁵⁵⁰ White’s belief in ‘the common good’ was central to his concept of how the English Catholic clergy should respond to the Commonwealth and Protectorate.⁵⁵¹ It was in the best interest of the community to accept the new regime, negotiate toleration and concentrate on the spiritual upholding of the true religion, Catholicism, as opposed to the true Church, the Church of Rome. It was not in the community’s interests, White argued, to continue allegiance to the pope or the exiled Stuart court.⁵⁵²

4.3. The pro-French English Catholics.

The Francophile faction was resolved to stay well clear of further negotiations with the Independents after the execution of Charles I. The pro-French section of the clergy wanted the English Catholic clergy and laity to remain dependent on France. Bishop Richard Smith (in effect still their leader) had been in exile in France since 1631 and remained a strong ally of Henrietta Maria. After the split between the papacy and the Stuart crown over Ireland, this section of the community stayed loyal to the monarchy. George Leyburn, under the alias of Grant, wrote to the priest Henry Holden in 1647 about the Three Propositions. Leyburn, a known Francophile, wrote about the points he believed Protestants held against Roman Catholics.⁵⁵³ Only two principles could silence this criticism; the first, rather vaguely, that fidelity and loyalty were owed to the civil magistrate as tenets of the Catholic faith; the second that all Catholics should refuse to receive any bulls, reprieves, commands or orders from any ‘foreign prince,

⁵⁴⁸ Tutino, *Thomas White and the Blackloists*, p.85-66.

⁵⁴⁹ T. White, *The grounds of obedience and government*. By Thomas White, Gentleman (London, 1655).

⁵⁵⁰ Ibid. pp.63, 114-115.

⁵⁵¹ Ibid. pp.180-181.

⁵⁵² Tutino, *Thomas White and the Blackloists*, pp. 59-63.

⁵⁵³ AAW, A xxx, no.95 (Mr Grant (George Leyburn) to Dr Holden, 1647).

prelate, power, authority, or superior ... without first bringing to the State, your Lordships Sirs, to such as the king shall appoint to this effect'.⁵⁵⁴

At the same time that this letter was written, an anonymous tract was printed focusing on the king's supposed mistrust of Catholics. It argued that English Catholics were united with foreign princes 'in Religion' against the Crown of England.⁵⁵⁵ It concentrated on the interference of the king of Spain and looked back to the reigns of Queen Elizabeth and King James I to show the 'practice of the popes, by the Jesuits instigation ...to stir up the Catholic subjects of England ... to rebel'. The examples of Cardinal William Allen and Robert Persons were used to show, through the pope's 'pretended' power to create and dispose of kings', that the English Catholics had solicited the king of Spain to conquer England and assassinate Queen Elizabeth by absolving Catholics from their obedience to the Crown.⁵⁵⁶ In the late sixteenth century Allen and Parsons were notorious for their leadership of the pro-Spanish faction within the English Catholic community.⁵⁵⁷ Allen was responsible for publications including *An Admonition to the nobility and People of England and Ireland concerning the present Warres made for the execution of his Holines Sentence, by the highe and mightie Kinge Catholicke of Spain by the Cardinal of Englande* and *A Declaration of the sentence and deposition of Elizabeth, the usurper and pretended Queen of England*, both published in 1588.⁵⁵⁸ The anonymous tract concluded that it was 'generally and evidently' known that the Jesuits were the 'chief' cause of the king's mistrust and Protestant fear of Catholics:

whilst there Spanish faction, and they call it a Catholic league, is diverted by those many wars betwixt the 2 great crowns, yet it is to be feared and ought to be prevented... Besides your lordship in the interim their daily solicitations in

⁵⁵⁴ Ibid.

⁵⁵⁵ AAW, A xxx, no.94 (The reason of the king's mistrust of Catholics, 1647)

⁵⁵⁶ Ibid.

⁵⁵⁷ B. Ward, 'William Allen', *The Catholic Encyclopaedia*, accessed, <http://www.newadvent.org/cathen/01322b.htm> (Last visited: 21/01/2008).

⁵⁵⁸ W. Allen, *An Adomintion to the nobility and People of England and Ireland concerning the present Warres made for the execution of his Holines Sentence, by the highe and mightie Kinge Catholicke of Spain by the Cardinal of Englande* (Antwerp, 1588).

W. Allen, *A Declaration of the sentence and deposition of Elizabeth, the usurper and pretended Queen of England* (Antwerp, 1588).

favour of their faction do no little prejudice to his majesty of England affaires, lying for the most part against there designs.⁵⁵⁹

This might seem, at first reading, to be no more than an anti-Jesuit diatribe, not in itself unusual. When the date it was written, its preoccupation with the unity between the English Catholics and the king of Spain, and the way established patterns of Catholic polemic worked are taken into account, however, it becomes clear that this should be read as an Hispanophobe tract written by Francophiles.

There were several reasons for Francophile optimism in the late 1640s. As stated earlier, Sir Kenelm Digby had first tried to secure negotiations for the exiled Henrietta Maria during the mid 1640s. He reported to Pope Innocent X that the Presbyterians and the Independents each regarded the Catholic clergy as an ally against the other and so both were considering granting Catholics free and secure exercise of their faith in return for assurances of help.⁵⁶⁰ Digby argued that the queen was not requesting money for herself but was instead receiving offers from both parties and would be able to demand concessions from them.⁵⁶¹ But the papacy was already starting to envisage a settlement for the English Catholic community without relying on Stuart whims. In fact, the willingness of the English Catholic body to treat with the Independents to the exclusion of the queen completely destroyed any chance of papal help to the exiled Stuart court.

After the regicide the queen's attempts to broker a deal with the Scottish Presbyterians in 1650 certainly did not make her cause more attractive to the papacy.⁵⁶² She had supported Charles II's trip to Scotland in May 1650 and urged him to try and deal with the Scots but strongly regretted the concessions the young king then made.⁵⁶³ Henrietta Maria wanted to reclaim the throne for her son by making deals with anyone, regardless of the confessional divide. Her attitude had been the same in her advice to her

⁵⁵⁹ AAW, A xxx, no.94.

⁵⁶⁰ AAW, A xxx no.100 (The Negotiation of the Honourable Sir Kenelm Digby, resident for the late Queen at Rome. Presenting himself by way of address to Pope Innocent X. Truthfully translated out of the Italian Manuscript).

⁵⁶¹ Ibid.

⁵⁶² Canon E. Henson (ed.), *English College at Madrid, 1611 -1767*. (London, 1929), p.299 (Letter 65. Fr Francis Foster to Edward Risely, July 4th 1650).

⁵⁶³ C. Hibbard, 'Henrietta Maria [Princess Henrietta Maria of France] (1609-1669), queen of England, Scotland, and Ireland, consort of Charles I', *ODNB*.

husband after his surrender to the Covenanters in May 1646. She encouraged Charles I to make religious concessions to the English Presbyterians between 1646 and 1647 in an attempt to preserve the king's control over the militia.⁵⁶⁴ The Blackloist Henry Holden reported to Digby in 1649 that George Leyburn had been sent by the exiled English court 'well furnished with moneys by them' to hinder the English Catholic clergy from 'engaging themselves to any subjection or fidelity to the present state of England' and obstructing them from gaining any 'favour from the Independents on matters of religion'.⁵⁶⁵ Holden wrote further, alleging that Leyburn had then been sent to Ireland as a 'professed enemy to the Independents' to disrupt negotiations between the Independents and the Irish Catholics.⁵⁶⁶

It was not just Henrietta Maria, however, who gave the Francophiles hope. Charles made his own manoeuvres to secure support from the English Catholics, courting them from a European perspective, rather than relying on national divisions. He hoped that the community's support would encourage France and Spain to align themselves with the Stuarts. On July 28th 1649 Charles Stuart sent the Catholic gentleman, Sir Robert Meynell, to Rome to garner papal support. On his arrival Meynell made contact with Cardinal Luigi Capponi. The cardinal, Meynell reported, was keen to promote the king's service in the court of Rome and wanted to encourage the pope to represent Charles II to all his Catholic subjects as 'one fit to be obeyed'.⁵⁶⁷ Meynell was not naïve about the politics of the court of Rome. The 'ticklish body Politique' of the papacy was 'sly' and Meynell believed that Charles's party needed to advertise their business as aligned with the papal interest, if it was to stand a chance of receiving help.⁵⁶⁸ The Stuart court was keen to show that the restoration of Charles II was in the interest of English Catholics, pledging 'favour and protection' for Catholic subjects' assistance and support. Hyde argued that the survival of the Catholic religion in England, and the redemption of the nobility and gentry, relied on the restoration of the crown; English Catholics would be short sighted if they did not 'propose to themselves a

⁵⁶⁴ Braddick, *God's Fury, England's Fire*, p.468.

⁵⁶⁵ *Blacklo's Cabal*, p.74 (Dr Holden to Sir Kenelm Digby, 1649).

⁵⁶⁶ *Ibid.* p.75.

⁵⁶⁷ CISP, 38, f.135 (Meynell to Cottington, October 18th 1649).

⁵⁶⁸ CISP, 38, f.136 (Meynell to Hyde, October 18th 1649).

firm and entire union with the royal party'.⁵⁶⁹ Lord Arundell had proposed to the exiled court that the English Catholics would support Charles if he gave his word that he would establish religious liberty for them on his restoration.⁵⁷⁰ Until Charles II's treaty with the Scots Covenanters in June 1650, this must have seemed like a convincing opportunity.

4.4. The Hispanophile English Catholics.

The pro-Spanish section of the English Catholic community saw the execution of their monarch as an opportune time to break from the dominant pro-French part of the community. They sought to do this by making their own proposals to the new regime. The Hispanophiles had been fighting for control of the community since the establishment of the bishop of Chalcedon during the dynastic match negotiations with France in the 1620s. Although France had tried to negotiate with James I to concede toleration for English Catholics, this was not achieved in the manner that many English Catholics had wanted. After the conclusion of the French match there was discussion within the English Catholic community as to whether toleration had actually been granted at all. Likewise the French dynastic negotiators in the early 1580s gave a 'dusty' answer to Catholic agitation for the incorporation into the Anjou marriage treaty of promises of toleration.⁵⁷¹ Anjou refused to intervene to save Edmund Campion's life. It is no surprise that some of the clergy were content to exclude the Crown from any deal-making, because they had felt let down by the intersection of religious, dynastic and international politics in the past.

The first hint that the Hispanophile section of the community would go all out to get one over on their rivals *and* try to secure greater toleration for Catholicism from the new regime was a letter written by Thomas Barker, a canon in London, to Bishop Richard Smith, bishop of Chalcedon, in exile in France, on January 30th 1649. Barker declared:

I have thought myself obliged in conscience your officer though unworthy, to acquaint you with the design imparted to me by G. G. [George Gage] and Mr

⁵⁶⁹ CISP, 39, ff.236, 239 (Hyde to Meynell, February 13th 1650; Cottington to Father Wilford, February 14th 1650).

⁵⁷⁰ Nicholas Papers, I, p.179.

⁵⁷¹ Lake and Questier, 'Puritans, Papists, and the "Public Sphere"', p.618.

Peterson much prejudicial to your lordships own, concerning the government of your flock ... their design was to get their chapter ... without any dependence on your lordship.⁵⁷²

Peterson, whose real name was Peter Curtis, had been converted by his Jesuit brother, Fr Thomas Curtis, and had studied at St Omer, Seville and Louvain and had been ordained in 1625 by Peter Lombard in S. Sointo in Saxia.⁵⁷³ It speaks volumes that, on the day of the execution of Charles I, two known Hispanophiles were reported to Bishop Smith for trying to distance the chapter from dependence on him and the French court. If the pro-Spanish Catholic clergy wanted to undertake further negotiations with the new regime, they would have to split definitively with France and the exiled court there.

The contention between George Gage and Bishop Smith erupted again just over three months later. After Portugal had gained its independence from Spain in 1640 (something Spain did not recognise for another forty-four years) a Portuguese ambassador had been received in England and George Gage had taken up residence in the ambassador's house.⁵⁷⁴ Following rumours that the ambassador was harbouring an English Catholic priest, parliament ordered a search of his residence and Gage was found and arrested.⁵⁷⁵ He demanded diplomatic immunity, on the basis of his lodging and in accordance with the ruling given in the Venetian ambassador's case in 1640. The government refused to allow this defence as Gage was English. Furious with this decision the Portuguese king retaliated by seizing English ships that were on their way to Spain.

Smith had already ordered Gage to retire from the situation for a while, when he wrote to him on 1st April 1649.⁵⁷⁶ The president of Douai, who had been called to Brussels by the Council of State, had suggested to Smith that Gage should leave London at least, if not England. Otherwise Gage was warned, '... you will incur hazard of your life, your friends in Flanders of their means and that college would be in danger to be

⁵⁷² OBA, I, pt II, The chapter 1649, no.162 (Letter to the bishop from Thomas Barker, January 30 1649).

⁵⁷³ On his death, Peterson left money to clergy in England and Lisbon, Anstruther II, pp.78-80.

⁵⁷⁴ Ibid. p.122.

⁵⁷⁵ CSP Dom Com, 1649-1650, p.558.

⁵⁷⁶ OBA, I, pt II, The Assembly of the chapter 1649, no.174 (Autograph letter of the Bishop of Chalcedon to George Gage, about his drawing upon Spanish enmity, 1st April c.1650).

sent out of Flanders or taken from the clergy ... doubtless if you do not they will by means of parliament procure to be taken and put in prison.'⁵⁷⁷ Two weeks later, Smith wrote again to Gage, who had seemingly not heeded his advice. Smith pleaded with him to stop meddling in affairs of State as the 'clergy hath no vocation for such matters and we greatly dislike it in the Jesuits'.⁵⁷⁸ Smith told Gage that his great fear was that sending 'Sir' Henry Compton⁵⁷⁹ to acknowledge the king of Portugal as a lawful king, would be 'a great motive to the king of Spain to acknowledge the parliament for a lawful commonwealth'.⁵⁸⁰ Smith's two letters make plain his reluctance to give any reason for the king of Spain to acknowledge parliament's legality, and thus exclude the exiled Stuart monarchy with whom he had aligned himself.

Yet the Hispanophile faction attempted further negotiations with Cromwell. There were two interconnected strands of this – the laity and the clergy. Dealing with the laity first, Sir Thomas Brudenell and John Paulet, marquis of Winchester, had signed the Catholic laity's proposals to the Independents in the late summer of 1647. Both men were noted throughout *Blacklo's Cabal* as the prime movers of those seeking toleration from parliament. But Brudenell and Paulet did not wish for complete independence from Rome in the same way as the Blackloists.⁵⁸¹ Brudenell, Paulet and Lord Montague were the key players amongst the pro-Spanish Catholics who wanted to petition parliament for religious toleration despite the disappointment of the initial proposals in the late 1640s. On 30th June 1652, these men and others presented a petition to parliament requesting the moderation of the financial penalties inflicted on them by the sequestration committee. In response to their exclusion from the Act of Pardon and Oblivion, they requested that they 'not be excluded from universal benefit'.⁵⁸² The petitioners asked for the opportunity to clear their religion from 'whatsoever may be

⁵⁷⁷ Ibid.

⁵⁷⁸ OBA, I, pt II, The Assembly of the chapter 1649, no.175 (Autograph letter of the bishop to George Gage withdrawing himself from Portuguese enmity, 22nd April 1651).

⁵⁷⁹ This could be a reference to Henry Compton who later became bishop of London. There were, however, conflicting claims over Compton's royalism and it is thought he was not granted a licence to travel abroad until 1652 (A. M. Coleby, 'Henry Compton (1631/2-1713), bishop of London', *ODNB*).

⁵⁸⁰ Ibid.

⁵⁸¹ *Blacklo's Cabal*, pp.26 49 (Dr Holden to Sir Kenelm Digby, 6th September 1647; Mr Fitton to Sir Kenelm Digby, 4th October 1647).

⁵⁸² Raw D.853, f. 16; U DDEV/x1/68/248/36.

inconsistent with government'.⁵⁸³ They stated that they would submit all judgements of scriptures to a general council and excused Catholic idolatry as a mere means to 'assist our memories and excite our affections'.⁵⁸⁴ The petitioners ended by stating their belief in 'moral law' whereby all men were 'most strictly and absolutely bound' to any promise made to any civil power, from which they could not be relieved by any foreign power or authority. This was, effectively, a denial of the papal deposing power. Presumably the petitioners thought this was a good moment to petition parliament for relief and to argue that 'faith' could be kept with Roman Catholic subjects, following the commencement of the first Anglo-Dutch war, but having been read in Parliament, the petition was rejected.⁵⁸⁵

Brudenell and Francis Browne, third viscount Montague did not give up. They petitioned again in 1654 with the support of Edward Vaux, fourth baron of Harrowden, for relief from sequestration.⁵⁸⁶ Browne wrote to Brudenell on 5th October 1654 informing him of a forthcoming ordinance he had seen which proposed to keep Catholic estates at one eighth rent (allowing Catholics only one eighth of their estates) and would fine any Catholic forced to sell their estates 'upon urgent necessities'.⁵⁸⁷ Montague urged Brudenell to travel to London to petition Cromwell and Parliament, for, amongst other things, greater liberty of estate sales for Catholics.⁵⁸⁸ Without Brudenell's input, Montague and Lord Arundell were 'like a ship without a storm'.⁵⁸⁹ The Venetian ambassador resident in London noted that the approach was made because Cromwell had asked the Council of State to discuss what should be done with English Catholics to 'gain additional favour with the multitude'.⁵⁹⁰ A decision had been postponed and the Catholics hoped that if they acted decisively during the interval, by approaching the Protector themselves, he might act in their favour.⁵⁹¹ It can also be seen from

⁵⁸³ Ibid.

⁵⁸⁴ Ibid.

⁵⁸⁵ HCJ, VII, p.147 (20th June 1652).

⁵⁸⁶ CSP Dom Com, 1654, p.167.

⁵⁸⁷ NRO, ZB1515 (Letter from Viscount Montague to Lord Brudenell).

⁵⁸⁸ Ibid.

⁵⁸⁹ Ibid.

⁵⁹⁰ CSP Ven, 1653-4, p.179.

⁵⁹¹ Ibid.

Montague's letter to Brudenell that the English Catholics had been encouraged to petition parliament by members of the Council of State. Montague wrote that 'Sir Anthony Cooper and divers others of the council do assure me they know nothing of it [the ordinance] and very much dislike the act, they wish us, and divers other Parliament men to petition the Protector and the parliament'.⁵⁹² Sir Anthony Ashley Cooper, a royalist turned parliamentarian, was a moderate politician who had earlier sat on the Hale Commission, which had made 'well-reasoned' proposals for law reform.⁵⁹³ He had also served in the Rump Parliament and had opposed a bill that stipulated the sale of delinquent estates.⁵⁹⁴ Brudenell's, Browne's and Vaux's petition was referred but achieved little. Further, in 1656 both Brudenell and Vaux were proceeded against in the Northampton sessions under suspicions of popery. Neither had taken the Oath of Abjuration in front of the local justices of the peace.⁵⁹⁵

Thomas Brudenell had been an outspoken critic of Bishop Smith and the powers he claimed over the community in the late 1620s. He and Sir Basil Brooke had been worried that Smith's authority would be offensive to the State, in particular Smith's plans for the bishop's tribunal, an independent judiciary system.⁵⁹⁶ As mentioned in chapter three, Brudenell, Paulet and Montague had also signed a 'Protestatio Declaratoria' in October 1631 opposing Smith as the bishop of Chalcedon.⁵⁹⁷ It can be no wonder that Brudenell, in particular, seized the opportunity to appeal to the Rump and Protectorate Parliaments in an effort to alienate the English Catholic community from Smith.

Brudenell's insistence on petitioning the successive parliaments of the Interregnum for greater toleration for the community was not, however, just an attempt to settle personal scores or gain greater influence over the English Catholic community. Brudenell also made concessions towards the dominant Protestant power, to the

⁵⁹² NRO, ZB1515.

⁵⁹³ T. Harris, 'Anthony Ashley Cooper, first earl of Shaftsbury (1621-1683), politician', *ODNB*.

⁵⁹⁴ *Ibid.*

⁵⁹⁵ TNA, E377/62 f.4. Brudenell and Vaux were listed along with thirteen other people.

⁵⁹⁶ Questier, *Catholicism and Community*, pp.437-8.

⁵⁹⁷ *Ibid.* p.474.

disadvantage of his faith, in order to protect himself from persecution. During the Long Parliament in 1641, the Grand Committee discussed which eminent papists living in London should be summoned to appear before the Committee. When Brudenell's name was mentioned a debate ensued because Sir Henry Mildmay and other men believed Brudenell had a 'good inclination' towards Protestantism and had lately attended Protestant Church services in the hope that he could be spared.⁵⁹⁸ Sir Simonds D'Ewes, in his journal, noted that Brudenell's name was dropped from the list.⁵⁹⁹ Brudenell's conflicting claims about his behaviour during the civil war – neutralism during the interregnum, and royalism at the Restoration, have already been discussed in chapter three.⁶⁰⁰

Thomas Brudenell should not be taken as evidence of the lay pro-Spanish faction's disloyalty to the royalist cause. Instead, he shows the compromises some Catholic gentlemen were willing to make to secure their own autonomy and to gain toleration for the community. Brudenell and his son Robert obviously regarded themselves as strong Catholics. They were believed to have founded the Benedictine Chapel of the Rosary in London sometime between 1650 and 1655. Lord Brudenell is mentioned in *Blacklo's Cabal* as a man who once consulted only the Jesuits but had turned to accept nothing but what the Benedictines said.⁶⁰¹ Yet Brudenell was also invited to dine with Oliver Cromwell, along with Lord Arundell: both men accepted.⁶⁰²

The second strand of Hispanophile engagement with the regime came from the pro-Spanish clergy. Two deciphered letters written by Fr Francis Foster to Fr Edward Risley at the English College in Madrid at the beginning of July 1650 discussed a possible 'league' between Spain and the republican regime.⁶⁰³ Risley seems to have

⁵⁹⁸ Coates, (ed.), *Journal of Sir Simon D'Ewes*, pp.174-5.

⁵⁹⁹ Ibid. However, Coates notes that when the edited list was passed to the Lords, Brudenell's name was still on it and Lord Morley's name had been removed instead. It is unclear which version of the list was correct.

⁶⁰⁰ Wake, *The Brudenells of Deane*, p.130. Also see chapter three.

⁶⁰¹ *Blacklo's Cabal*, p.49 (Mr Fitton to Sir Kenelm Digby 4th October 1647).

⁶⁰² D. H. Connolly, 'The Benedictine Chapel of the Rosary in London (c.1650-1681)', *Downside Review* (1934), pp.320-329; Aveling, *Handle and the Axe*, p.176.

⁶⁰³ Henson, *English College at Madrid*, pp.299-300 (Letter 66. Fr Francis Foster to Fr Edward Risley, 4 July 1650).

written earlier to Foster asking how he should ‘carry himself’ towards the English parliament. Foster replied that since Spain, and he suspected, the pope, liked the idea of such an alliance he saw no reason why the Jesuits, and consequently Risley, should ‘publicly make show of dislike in word, or deed’ to parliament. He also stated that the pope had been told that Charles II had sent men into England to negotiate a peace between himself and parliament:

if it be so what can any expect that Antony Audley [the pope] shall doe for Franck Audley [the king of England], for take away his motive of furthering hereby Gregory Kemp [Catholics] and his, what motive hath any of Antony Audleys [the pope’s] profession to put ye helping hand. The more again that all know Flavia Bentnys [the queen of England] and all her friends stand wholly for Fredrick Jennings [Presbyterians] who is Gregory Kemps [the Catholics] deadly enemy.⁶⁰⁴

The pope wanted to exclude Charles II from any possible negotiations with the republican regime. The best way to secure toleration for the English Catholics and the mission, without sacrificing any of the pope’s control and power, was thought to be a settlement between Spain and the English parliament.

In another letter written from Foster to Risley, fourteen days later, on 18th July, Foster reported with more certainty that ‘not only Daniel Audley [king of Spain], but also Anthony Audley [the pope] are in some treaty with Susanna Pitz [Parliament] and Franck Yeuly [the Independents]’ with a view to securing toleration for English lay Catholics.⁶⁰⁵ Foster urged that toleration depended upon the Jesuits not appearing publicly as opponents of either the English parliament or the Independents, and therefore urged Risley ‘...pray warn Nath. Knightley [procurator in Madrid] that he be wary no advantage be taken by his over much zeale to Franc Audley [king of England], in speaking such things against these aforementioned persons as that his brethren may come to suffer’.⁶⁰⁶

⁶⁰⁴ Ibid.

⁶⁰⁵ Henson, *English College at Madrid*, pp.302-303 (Letter 69. Fr Francis Foster to Fr Edward Risley, 18th July 1650).

⁶⁰⁶ Ibid.

These letters support Stefania Tutino's arguments that the pope's attitude towards Blacklo's writings shows that the pope was no royalist.⁶⁰⁷ He neglected to punish White for his pro-Cromwellian writings because the court of Rome was willing to negotiate with the Commonwealth and Spain. In fact, before 1660 only those of White's works that denied the 'infallibility' of the pope were condemned.⁶⁰⁸ Tutino argues that White's *Ground of Obedience and Government* was not condemned until November 1661, after the restoration of Charles II, because the pope did not want to endanger the only connection the Catholic community, and Rome, had to Cromwell.⁶⁰⁹ Perhaps this explains why the Holy See oddly condemned the 'Three Propositions', signed by Ward and others, and not the negotiations of the Blackloists. It seems more likely, however, that initially the pope wanted to see what was going to happen in England between the Presbyterians and the Independents. The papacy, according to Digby in November 1647, was annoyed that the English Catholic community had asked for directions about whether to take an oath because the court of Rome did not want to declare what was lawful for Catholics; such a declaration would be of huge consequence to the 'retrenching of their own pretences elsewhere'.⁶¹⁰ The papacy, Digby asserted, 'would have been glad it had bin done without asking leave'.⁶¹¹ The papacy was hedging its bets. It was also aware that the Blackloists seemed to be the only English Catholic faction that could successfully negotiate with the Independents, considering Holden and Digby's correspondence with Watson, a scoutmaster to Cromwell, particularly in 1649.⁶¹² The Blackloists' regarded these other proposals as 'mischiefs'. They were pleased when the priests involved were punished as they feared that these interventions would damage or even eclipse their own negotiations with the Independents.⁶¹³

⁶⁰⁷ Tutino, 'The Catholic Church and the English Civil War', pp.232 – 255.

⁶⁰⁸ Tutino, *Thomas White and the Blackloists*, p.121.

⁶⁰⁹ Ibid.

⁶¹⁰ *Blacklo's Cabal* p.71 (Sir Kenelm Digby to Mr Fitton, 25th November 1647).

⁶¹¹ Ibid.

⁶¹² Ibid. p.74 (Mr Holden without any direction or date but likely to be 1649) and T. Carte, *A Collection of Original Letters and Papers concerning the affairs of England* (1739), pp.216-7. (Lord Byron to the M. of Ormond, March 1649).

⁶¹³ *Blacklo's Cabal*, pp.61-63 (Sir Kenelm Digby to Dr Holden, October 1647).

The papacy also wanted to see what happened in Ireland before choosing sides. Charles II's agent in Rome, Sir Robert Meynell, reported in May 1650 that there was no possibility of papal assistance because they already 'give Ireland as lost' and so a great part of Rome's interest in restoring the English crown had ceased.⁶¹⁴ Things had looked optimistic for the royalist war effort in Ireland in the early part of 1649 but by May 1650 the momentum had shifted against them. The Irish Protestants had always been sceptical of Ormond's Catholic sympathies. His plans to resist parliamentary force by fortifying key towns failed at Drogheda and Wexford.⁶¹⁵ This in turn undermined morale, contributing to religious tensions between the Irish Catholics and the Irish Protestants under Ormond.⁶¹⁶ By April 1650 the Protestants had surrendered to Cromwell. Ormond had to rely on the Irish Catholics to sustain the royalist war effort in Ireland but failed to garner enough clerical support.⁶¹⁷ By the middle of 1650 there was little realistic hope for the Irish royalists. The court of Rome considered Charles II as in the 'Presbyterian way' and such an association would be destructive to the papacy's ends; this was a month before Charles II agreed to sign both Covenants.⁶¹⁸ Edward Hyde, Charles's trusted councillor, had always been against such a treaty, especially as Charles had sent him and Francis Cottington, a crypto-Catholic, pro-Spanish royalist baronet, to Spain to solicit Philip IV's support. Meynell reported to Cottington that Edward Progers, one of the grooms of Charles' bedchamber, had advised Charles to assure his subjects that his treaty with the Scots would not prejudice his support for the Catholic community.⁶¹⁹ Two months later, in a letter to the Catholic courtier Sir Toby Mathew, Hyde defended Charles II's position with the Scots as an act of necessity and criticised the English Catholics for not supporting a king 'under whom his Catholic subjects might enjoy full happiness'.⁶²⁰ Instead, Hyde lamented, the community 'flatter themselves that they shall enjoy protection and security under their devils, who in the end will extirpate them out of all their Dominions'.⁶²¹ The treaty did not go down well with the papacy. Meynell

⁶¹⁴ CISP, 39, f.305 (Meynell to Hyde, May 10th 1650).

⁶¹⁵ Ó Siochrú, *God's executioner*, pp.160-161.

⁶¹⁶ Ibid. p.161.

⁶¹⁷ Ibid.

⁶¹⁸ CISP, 39, f.305.

⁶¹⁹ CISP, 39, f.252 (Meynell to Cottington, March 12th 1650).

⁶²⁰ Ibid. f.312 (Hyde to Mathew, May 23rd 1650).

⁶²¹ Ibid.

reported that Cardinal Capponi would ‘press the pope’s hand’ for assistance in Ireland to the royalist cause only after Capponi had been allowed to see the king’s terms with the Scots.⁶²² On July 31st 1650 Meynell wrote to Cottington informing him that the pope had given a ‘flat no’ to assisting the Stuart cause in Ireland, claiming he did not ‘meddle’ in others’ affairs although Meynell was sure he was already courting the ‘rebels’.⁶²³ All ears in Rome, it was reported, were shut to the king’s proposals.⁶²⁴

It was not until Oliver Cromwell had died and Richard Cromwell had proved he was not capable of taking his father’s place that the court of Rome looked to France and to the restoration of Charles II. In 1659, when the news reached Rome that the restoration of Charles II was likely to occur, it was reported that the court ‘began to repent having showed little countenance to the king’.⁶²⁵ The Holy See condemned White’s *Grounds of Obedience and Government* in November 1661 because now the pope needed to show his commitment and support to the restored house of Stuart.⁶²⁶ The papacy’s initial reluctance to intervene, however, did not end Stuart hopes of Rome’s support. But that reluctance was also a sign of the effect that Cromwell’s foreign policy had on the fortunes of the English Catholic community and the extent to which the clergy were willing to exploit this for their own ends.

4.5. The impact of Commonwealth and Protectorate foreign policy on the English Catholics.

It is no surprise that Catholic Hispanophiles attempted to negotiate with Cromwell and thought themselves near to success in the early 1650s. Cromwell had found himself in a difficult position after the regicide. Not only did he face unrest from the royalists and Presbyterians, but also from the Levellers and other religious radicals, whom the Army had suppressed. The questionable legality of Pride’s Purge in December 1648 and the dissolution of the Rump Parliament later in April 1653, had made many

⁶²² CISP, 40, f.340 (Meynell to Cottington and Hyde, June 24th 1650).

⁶²³ Ibid. f.364 (Meynell to Cottington, July 31st 1650).

⁶²⁴ Ibid. f.365 (Father Thomas Babthorpe to Cottington, July 31st 1650).

⁶²⁵ OBA, 2, pt.1, Letters of Francis Gage mostly to John Holland, al. Sergeant, 1659-1661, no.40 (Letter of Francis Gage to Mr Charles Halley, September 5/15 1659).

⁶²⁶ Tutino, *Thomas White and the Blackloists*, p.121.

enemies at home. Indeed, the Presbyterians viewed the Independents' negotiations with the Catholics with disgust. They made their move after Cromwell left for Ireland in August 1649. The notable Catholics involved in the negotiations were arrested or banished.⁶²⁷ The Marquis of Winchester's house was raided on Candlemas Day and his priest, Peter Wright, was arrested. It was hoped that Wright would be spared trial as two of his fellow priests with whom he had been imprisoned had recently been found not guilty by the jury and another priest, Thomas Dade, had also been acquitted. The Marquis of Winchester even offered to pay a ransom for Wright's release, but Wright refused further help, stating that he believed that it was not the policy of the new regime to 'spill the blood of citizens for the sake of conscience or religion'.⁶²⁸

Unfortunately for him, as a result of the evidence given by an ex-priest turned informer, Thomas Gage (George Gage's brother), Wright was found guilty. The judge, it was recorded, told him he was arraigned not for his religion but for returning to England as a priest and 'seducing the people'.⁶²⁹ The French ambassador tried unsuccessfully to gain Wright a reprieve. Even some MPs attempted to prevent Wright's execution, arguing it was not in the 'spirit' of the new republic.⁶³⁰ In his last speech Wright addressed his fellow Catholics as 'my fellow-soldiers and comrades'. The uneasy feeling that Wright's execution was out of step with popular ideas of freedom of conscience perhaps explains why after his execution his body was allowed to be transferred to Liege, where he was buried in the Jesuit College.⁶³¹ Several other high profile attacks followed on the community however, with the French ambassador's house attacked on Christmas Day 1650 and Count Egmond, the former Spanish ambassador, assaulted on the Feast of Epiphany 1651.

Relations with Europe therefore became an essential part of securing Cromwell's domestic power base. He believed the best way to prevent hostilities from breaking out

⁶²⁷ John Winter was imprisoned and both Montague and Kenelm Digby were banished. Carte, *A Collection*, pp.307-309 (Letter to M of Clanricarde 1649).

⁶²⁸ Foley, II, p.519.

⁶²⁹ Challoner, II, p.187.

⁶³⁰ Foley, II, p.531.

⁶³¹ Challoner, II, p.189.

at home (perhaps a desperate attempt by Stuart supporters to foster a climate of revolt in order to restore Charles II) was to prevent foreign powers from supporting, financially or otherwise, the insurgents. Facilitating the continuation of the Franco-Spanish War, which began in 1635, offered Cromwell exactly this reward.⁶³² After the execution of Charles I both Catholic powers were keen to negotiate alliances with the new government of England. It was also essential for Cromwell and the Rump that the two greatest powers in Europe should recognise their legitimacy. The question was which Cromwell would favour.

Although he was not made Lord Protector until 16th December 1653, Cromwell was dominant in policy decisions after the regicide. France initially seemed the less likely choice. Not only was it experiencing its own domestic problems in the Fronde, but also it was a haven for the exiled Caroline court and the royalist elite. The Rump also believed that France was responsible for the Scottish royalist invasion in the summer of 1651. It was therefore important for the Commonwealth to keep France weak so she would no longer be in a position to facilitate the Stuart cause.

Conversely, the Rump looked more favourably towards an Anglo-Spanish alliance between 1651-54. Such an alliance would keep France weak and prove profitable in colonial terms. Spain had been weakened by both the Catalan and Portuguese rebellions and suffered heavy losses in Flanders in the early 1640s, so such an alliance would be profitable for both parties.⁶³³ A relationship of sorts had already been established between the Spanish ambassador, Cardenas, and the English parliament. Cardenas had offered support to parliament against Charles I before the civil war because of the king's rumoured connection with the house of Bourbon and now parliament supported Cardenas because of French support for Charles II.⁶³⁴ Cardenas had also been the first foreign ambassador in London who had recognised the

⁶³² T. Venning, *Cromwellian Foreign Policy* (Hampshire, 1995), p.3.

⁶³³ Ibid. p.39.

⁶³⁴ Mazarin had hedged his bets at the beginning of the English civil war. He had made 'overtures' to Charles I and the parliamentarians and split his French envoys between the parliamentary base in London and the king's in Oxford (Roy, 'The Royalist army in the first civil war', p.316).

Commonwealth as legitimate; his French counterpart had not been given permission by Mazarin to do the same and parliament ordered him to leave England.⁶³⁵

In 1651 Spain and France both made appeals to England in order to foster an alliance against the other. Mazarin needed English assistance to help break the Spanish siege of Dunkirk and offered Cromwell the port as the incentive for an alliance; it was certainly an attractive offer, as it would give England more control over the Channel and was a significant privateer base. In response, Cardenas offered Cromwell Calais if he instead choose an alliance with Spain. Calais was not such an appealing option, as Cromwell would have to win it from the Dutch first.⁶³⁶ Cromwell was enticed by Mazarin's offer but the cardinal stalled, realising that it would outrage French opinion. Since his position as cardinal was independent of Rome, he needed the support of the French people to keep him in power. Bearing in mind the difficulties he still faced from the Frondeurs, he avoided further discussion on the matter which served only to annoy Cromwell. He in turn became convinced that this was another example of French ill will towards the Commonwealth.⁶³⁷ The years 1651 to 1654 saw an increase in tension between the English and French fleets due to further privateering by both countries.⁶³⁸

The anger caused at home by Cromwell's inclination to favour Spain helps to explain the arrest and execution of the second, and final priest during the Interregnum. Added to the anger caused by the Protectorate's seemingly pro-Spanish politics was the uncovering of a plot against the Protector. Among those arrested for taking part in the conspiracy were four Catholics which the Venetian secretary, Lorenzo Paulucci, lamented might bring 'fresh animosity' against the English Catholic community.⁶³⁹ Seven days later the Venetian secretary wrote to the Venetian ambassador in France informing him of the priest John Southworth's arrest. Paulucci explained that the priest's

⁶³⁵ Venning, *Cromwellian Foreign Policy*, p.39.

⁶³⁶ Ibid. p.40; P. Knachel, *England and the Fronde. The impact of the English Civil War and Revolution on France* (New York, 1967), pp.152-177.

⁶³⁷ Venning, *Cromwellian Foreign Policy*, p.40.

⁶³⁸ Ibid. p.39.

⁶³⁹ CSP Ven, 1653-1654, p.230.

arrest was part of the persecution against Catholics which had ‘redoubled’ because of the plot.⁶⁴⁰

John Southworth had been sent on the English mission from Douai in 1619 and had two previous convictions for being a priest, but had twice been reprieved. His final arrest was by Colonel Worsley in 1654. Throughout his trial the judges apparently urged him to plead his innocence to the indictment brought against him as there was no evidence that proved he was a priest (the final arrest had come after a tip-off). Southworth refused because he saw such a denial as a repudiation of his faith.⁶⁴¹ He was therefore convicted. The Portuguese, French and Spanish ambassadors again tried to intervene by negotiating a deal with Cromwell. The Portuguese ambassador reported that he convinced Cromwell to grant Southworth a reprieve. Cromwell reportedly declared, ‘God forbid [my] hand should be consenting to the death of any for religion’, which curiously was the same defence Charles I had offered when defending his reprieve of priests between 1640 and 1642.⁶⁴² Cromwell sent word to the ambassador the next day, however, telling him he could not intervene as his Council had ‘advised’ him that he had to obey the laws.⁶⁴³ Indeed the Instrument of Government had been implemented only six months before. In his last speech before his execution Southworth admitted again that he was a priest but maintained he was not guilty of treason. He pleaded with Cromwell to grant toleration and liberty of conscience to English Catholics, reminding Cromwell that ‘liberty of conscience was pretended as a cause’ of the civil war.⁶⁴⁴ After his execution his remains were gathered up by the Spanish Ambassador and, with the aid of the Howard family, embalmed and returned to Douai for burial.⁶⁴⁵

Southworth’s case indicates the limits on Cromwell’s ability to implement religious toleration. The Presbyterians would always oppose the Catholic community

⁶⁴⁰ Ibid. pp.233.

⁶⁴¹ Drafts B, Knaresborough MS, p.637.

⁶⁴² J.L. Whitfield, *Saint John Southworth* (London, 1970), p.16.

⁶⁴³ Ibid.

⁶⁴⁴ AAW, A xxx, no.183 (Last Speech of John Southworth, martyr, 1654).

⁶⁴⁵ Whitfield, *Saint John Southworth*, pp.19-20.

being granted toleration and Cromwell's intervention meant nothing without their support. The plea for Southworth's life was not helped by the recent royalist uprising. The fact that both priests' bodies were allowed to be transferred to the seminary colleges on the Continent, however, instead of being displayed publicly on the city gates, indicates a change in the symbolism of Catholic persecution. For the interests of Cromwell's foreign policy, he could not be seen to persecute English Catholics or disrespect the bodies of these priests. The English Catholic community would remain a useful bargaining tool for Cromwell to use both at home and abroad.

4.6. The Blacklo – Leyburn controversy.

Just as Spain and France vied to make terms with Cromwell, so too did the English clergy. Throughout this time of uncertainty the divisions between the clergy heightened. Blacklo and Gage's attempts to negotiate with Cromwell and the Independents had worried many of the clergy, especially those backing the exiled court and France. George Leyburn wrote to Blacklo in 1650 defending both himself (Blacklo had disapproved when Bishop Smith made Leyburn a vicar general and had written that latter could not say boo to a goose) and Smith, who had personally condemned Blacklo's work. Leyburn argued that he had a 'pastoral care to prevent division in our body that might arise to contentious disputes' concerning Blacklo's publications.⁶⁴⁶ In discussing the heresies of one of Blacklo's books dedicated to Christopher Davenport, Leyburn maintained that Davenport had written to Walter Montagu declaring his distaste at being attached to Blacklo's work. Leyburn accused Blacklo of bringing 'prejudice if not ruin to our body which already root and branch is accused of ... dangerous doctrines in the court of Rome'.⁶⁴⁷

Blacklo was also reminded of 'Mr [George] Blackwell' and how the Catholic body 'zealously disavowed' his scandalous actions even though he was their archpriest.⁶⁴⁸ This was a reference to the arguments in 1606 over the Jacobean Oath of

⁶⁴⁶ AAW, A xxx, no.129 (A letter to Blacklo about his writings, 1650).

⁶⁴⁷ Ibid.

⁶⁴⁸ Ibid.

Allegiance and probably also to the previous Appellant (or Archpriest) controversy.⁶⁴⁹ The pro-Jesuit Blackwell, who had been appointed archpriest in 1598, at first ordered that the oath of allegiance should not be taken, but then had changed his mind. A papal brief was issued forbidding any Catholic to take such an oath, and so Blackwell changed his mind again. Blackwell was soon imprisoned and ordered to take the oath, which he did. He then encouraged other Catholics to follow suit, arguing that it was not against their religion or the supremacy of Rome. His decision to take the oath pleased James greatly and encouraged debate over Catholic allegiance to the Crown and the pope's political authority. Dismayed, the secular clergy refused to follow Blackwell's line. The pope reiterated his previous order against the oath and Rome gave Blackwell two months to retract. He refused to do so and was suspended and then replaced as archpriest by George Birkhead.⁶⁵⁰ This, then, was the context for the Leyburn and Blacklo dispute. Members of neither Francophile nor Hispanophile factions felt they could accept the terms proposed by the Blackloists, even though to do so would have sat very well with the new regime. In Leyburn's case the Francophile faction did not agree with political allegiances being pledged to the new regime above the pope or the Stuart court. Meanwhile the Hispanophile faction would not pledge outright political allegiance against the pope.

The archpriest controversy was essentially a dispute about the mission's ecclesiastical organisation rather than about ecclesiastical political allegiance.⁶⁵¹ Since the 1590s, if not earlier, some of the English clergy had been concerned about perceived 'encroachment' on the mission by the Jesuits, whose political aspirations were regarded with suspicion. To restrict the Jesuits' influence over the government of the English Catholic community, the clergy wanted to establish a hierarchy that could govern clergy and laity.⁶⁵² Rome refused to grant this request but instead created an archpresbyterate and nominated Blackwell as its first archpriest. As a result of Blackwell's well-known

⁶⁴⁹ Anthony Browne has argued that Anglo-Irish Gallicanism was 'stimulated by, if not created' by the controversy and debates surrounding the 1606 Oath of Allegiance (Browne, 'Anglo-Irish Gallicanism c. 1635-c. 1685', pp.14, 16-23).

⁶⁵⁰ H. Pollen, 'English Post-Reformation Oaths', *The Catholic Encyclopaedia*, accessed, <http://www.newadvent.org/cathen/11177a.htm> (Last visited: 30/04/2007).

⁶⁵¹ Bossy, *The English Catholic Community*, p.36.

⁶⁵² *Ibid.* p.45.

‘pro-Jesuit’ stance some secular clergy saw this as a Jesuit conspiracy to overthrow the legitimate ecclesiastical order and so in 1598 rejected Blackwell’s authority completely.⁶⁵³ After James I’s accession an opportunity was created for the Catholic clergy to negotiate political allegiance to the new regime. The secular clergy regarded this as a way to rid themselves of the Jesuit menace. If negotiations excluded the Jesuits and their political agenda, all the better for the survival and success of the mission. Negotiations ended however when the Privy Council made proposals that would have tolerated religion but not the priesthood. This would signify an end to the clergy’s ecclesiastical status and the mission itself. The oath of 1606 implied the same thing and so most of the former appellants refused to accept it. They also did not want to alienate the papacy, since denying the authority of the pope would damage the prospects of an ecclesiastical hierarchy in England.⁶⁵⁴ As will be seen later the secular clergy also campaigned for the same type of ecclesiastical hierarchy during the Commonwealth years. Leyburn was concerned that the Blackloists’ continual interference with the mission in terms of political allegiance and doctrine would antagonise the papacy and that this would scupper their chances of obtaining an ecclesiastical hierarchy in England. The Jesuits were dividing the community in the same way as had their aggressive political programme during the early Jacobean period.

Leyburn’s stark warning to Blacklo did not end the controversy. Another unknown member of the chapter wrote to the Bishop of Chalcedon with criticisms of Blacklo’s works. The author stated he felt ‘forced’ to speak out against Blacklo’s ‘heretical’ doctrines ‘by the complaints of noble and honourable persons of the laity who ... had heard Mr Harrington and Mr Gage defending some of the said doctrines’.⁶⁵⁵ Interestingly, a letter written by the Bishop of Chalcedon to George Leyburn a year later, on the same topic, lamented that Leyburn had gone against Smith’s order to ‘suppress all clamours’ against Blacklo’s work. Smith told Leyburn ‘... you will cause the inconvenience and schism which will bee worse then the Books are, whose esteem will

⁶⁵³ Ibid. pp.45-46.

⁶⁵⁴ Ibid. pp.40-41.

⁶⁵⁵ AAW, A xxx, no.140 (A letter to the Bishop of Chalcedon about Blacklo, 1651).

fall off itself if you cry less against them.’⁶⁵⁶ Smith acknowledged he would like nothing more than for the Apostolic See to judge Blacklo’s books heretical, but if they ruled they were not, Smith would submit his own judgment, as he could ‘no way like them’. Smith feared that the matter was a judicial one and was more concerned with this than with the upset it had caused the Catholic laity.⁶⁵⁷ He informed Leyburn that his criticism had ‘incensed’ Blacklo so much that he had threatened to ‘frame an accusation judicially’ against Smith and therefore urged Leyburn not to speak further of Blacklo’s doctrines, ‘whilst the Sea Apostolic speaketh not of these novelties you have no need to cry so loud against them’.

Hostilities between the two factions were further heightened in March 1653 when Mark Harrington, the Vicar General alongside Leyburn, and a supporter of Blacklo, called a chapter meeting without first obtaining permission from Bishop Smith. This was a concerted attempt to exercise Jesuit control, or at least anti-Francophile ecclesiastical control, over the chapter. The object of the meeting was to send an agent to Rome to muster support for the appointment of a coadjutor to Bishop Smith and three other bishops for the chapter.⁶⁵⁸ This would mean some power being taken away from Bishop Smith, who was seen as the only obstacle to successful negotiations between the chapter and Cromwell, because he was both the leader of the Francophile faction and the bishop of Chalcedon. Harrington and his supporters were worried too that on Smith’s death Leyburn would succeed to the bishopric. After being notified of the meeting by Leyburn, Smith resolved its decisions were invalid, but the chapter managed to justify its actions and Smith was forced to rescind his judgement.⁶⁵⁹

The factional dispute had still not been brought to a close by 1654 when Walter Montagu wrote to Blacklo about his doctrines. Montagu stated he did ‘truly find them so bitter and foul’ and wondered how a person of Blacklo’s calling could use them against persons of ‘so great esteem and authority, as those who have held the contrary opinion’.

⁶⁵⁶ Ibid.

⁶⁵⁷ Ibid.

⁶⁵⁸ T.A Birrell, ‘English Catholics without a Bishop 1655-1672’, *Recusant History*, 4 (1957), pp.142-178, at p.143.

⁶⁵⁹ Ibid.

Montagu believed Blacklo's writings had exposed 'our religion to the reproaches of our adversaries'.⁶⁶⁰ Montagu thought it would be condemned by Rome and other Catholic countries. This letter also needs to be put in context. Montagu devoted his life to the service of Henrietta Maria. He had been involved in the diplomacy that secured the queen's marriage to Charles I. He was also rumoured to have had an 'intimate relationship' with the exiled Maria Amee de Rohan, Duchesse de Chevreuse.⁶⁶¹ Yet there was still, in the eyes of the clergy, much for which to play. For the French faction the hope of the restoration of the Crown was heightened by Charles II's attack from Scotland and royalist risings. For the Spanish faction, the negotiations of only a few years earlier still kindled hope. Either way however, Cromwell was negotiating with two Catholic powers, and this created an opportunity for a number of Catholic interest groups to represent themselves to the Cromwellian regime as appropriate political allies and to claim that they were capable of promoting and advancing specific foreign policy courses.

By 1657 the chapter had managed to bring the controversy surrounding Blacklo's publications almost to an end. This was in part because of recent shifts in foreign policy. By 1655 the balance between France and Spain had altered and so too had Cromwell's preference for an alliance. Allying with France now seemed the more favourable option. The Fronde had ended and it had become evident to all parties that Spain was no longer in a position to fund its own armies, let alone fund Cromwell's intervention in the Franco-Spanish war or aid him to help fight the Dutch.⁶⁶² Cromwell was looking further afield and realising that an attack on the Spanish colonies in the Caribbean would be extremely profitable by securing free trade for England in those waters.⁶⁶³ France was now also more powerful than Spain and needed to be contained. It was vitally important to make sure that they would not offer money or soldiers to restore Charles II. Cromwell's keenness to negotiate a peace with France was not even altered by the Vaudois massacre in March 1655 or Cardenas's attempts to stir up trouble in England by

⁶⁶⁰ AAW, A xxx, no.177 (A letter from Walter Montagu to Blacklo, 1654).

⁶⁶¹ T. Cooper, rev. E. Metzger, 'Walter Montagu (1604/5-1677)', *ODNB*.

⁶⁶² Venning, *Cromwellian Foreign Policy*, p.51.

⁶⁶³ *Ibid.* p.46.

enticing radical preachers to attack such a peace.⁶⁶⁴ A treaty between France and England was signed in October and November 1655. Spain's reaction was to sign an alliance with Charles II in April 1656.

It can be no surprise that the Catholic clergy's response to the Anglo-French treaty was to start an active campaign for the reintroduction of episcopacy to the English chapter especially following the deaths of Pope Innocent X on 7th January 1655 and Bishop Smith on 18th March in the same year. The treaty between Charles II and Spain was further security for them; all bases were covered. Their campaign followed the rhetoric that they had used towards the same ends in the 1620s and 1630s. Among the six reasons included in one letter were the claims that a bishop would unite the divided chapter, and that to deprive England of a bishop would be an injustice. Interestingly, the third out of the six asked, 'when is a General more necessary then when soldiers are to fight?'⁶⁶⁵ Another document also gave six different reasons for supporting Catholic episcopacy in England and included the argument that a bishop would not increase the persecution of Catholics. The only priests who were prosecuted were those who admitted that they were priests. The fifth reason was that:

There can be no fear that the bishop can or will exert a tribunal or external court by reason the Pr[otestants?]: will never consent there unto butt will endeavour to hinder it by reason they know it cannot be don but by the envy of the public courts ... and great disturbance of the commonwealth as matters now stand.⁶⁶⁶

It seems evident that the chapter were willing to make peace with France work to their advantage. But finding a bishop upon whom both factions could agree proved the sticking point. Both submitted their own nominations for a new bishop for the chapter, but each was vetoed by the opposing side. The Hispanophiles were against the nomination of Abbot Montagu because, as has been noted before, he had been a close associate of the Caroline regime and would disadvantage the chapter in future negotiations with Cromwell.⁶⁶⁷ Conversely Henrietta Maria displayed her displeasure at the Hispanophile faction's choice of Henry Taylor. Taylor was the chaplain to Archduke

⁶⁶⁴ Ibid. pp.55, 98.

⁶⁶⁵ AAW, A xxxi, no.21 (Reasons for Catholic episcopacy in England, 1655).

⁶⁶⁶ AAW, A xxxi, no.26 (Reasons showing that having a Bishop will not occasion persecution of Catholics in England, 1655). Internal evidence suggests that Pr should be taken as an abbreviation for Protestants.

⁶⁶⁷ Birrell, 'English Catholics without a Bishop', p.144.

Leopold and served the Spanish court.⁶⁶⁸ Negotiations continued until February 1656 when the Congregation of Propaganda in Rome categorically rejected the chapter's demands. Besides, there was still a feeling from some members of the chapter that the appointment of a bishop would not be a positive thing for the clergy at all. Thomas Courtney argued that Cromwell might see the establishment of Episcopal government for the chapter as the beginning of Spanish attempts to restore Charles II, which would increase persecution against the English Catholic community.⁶⁶⁹

Although the chapter continued its quest to obtain episcopal government until the Restoration, all attempts were unsuccessful. But it did finally demand an end to the Blacklo controversy. In May 1657 members of the English chapter wrote to Leyburn and Blacklo to 'advise and propose some means of pacification' between the two men.⁶⁷⁰ The chapter asked Blacklo to make a public testimony pledging to submit all his previous work to the Apostolic See for censorship before it was published. The chapter also asked Blacklo to guarantee that all his future work should be given to be 'perused and consented' by two or three of its four leading doctors of divinity; Mr Blunston, Mr Daniel, Mr Ellis and Mr Jennings, before publication. If Blacklo agreed to follow these guidelines, the chapter believed there would be no further complaints against him, especially from Leyburn, which would prevent further 'fears or blemishes which is pretended to fall upon it' from Blacklo's 'exotic' theories.⁶⁷¹

Blacklo replied on 18th May professing that he believed it right for all Catholics to submit their writings to the Apostolic See and the Church and that this should apply to both his previous and future work.⁶⁷² He also expressed his goodwill towards Leyburn. Dr Holden however, in a letter to a friend, included a copy of Blacklo's submission which was more bitter. Here, Blacklo wrote that he was angry that Leyburn had been allowed to disgrace him by accusing him of being 'contrary' to the pope's authority and

⁶⁶⁸ Anstruther, II, pp.314-315.

⁶⁶⁹ Birrell, 'English Catholics without a Bishop', p.146.

⁶⁷⁰ AAW, A xxxi, no.72 (Copy of a letter from the chapter to Dr Leyburn and Mr White, 1657).

⁶⁷¹ Ibid.

⁶⁷² AAW, A xxxi, no.73 (Thomas White promises to restrict his writings to the Holy See and professes his good will towards Leyburn, 1657).

said that although he would submit his work for censure to the four previously named doctors of divinity such a demand was without precedent.⁶⁷³ The chapter later proposed that priests should not again discuss differences of opinion concerning conscience in front of the laity.⁶⁷⁴

Nevertheless, an uneasy truce had been temporarily achieved. Leyburn's contention with Blacklo resurfaced after the Restoration but by this time the chapter ruled against Leyburn. The timing of the chapter's efforts to end the controversy caused by Blacklo's submission was significant. As mentioned above, it would have been beneficial to the chapter's campaign for a bishop, but 13th March 1657 also saw the signing of the Anglo-French offensive treaty against Spain. Two months later Cromwell formally declined the crown. There had also been attempts by the exiled Stuart family in France, in particular the Duke of York, to explore the possibility of their Restoration that had been met with hostility and had remained unsuccessful.⁶⁷⁵ There were many reasons, therefore, for the chapter to unite and cease their associations with any discourse that might be considered anti-monarchical.

4.7. Persecution of the English Catholics, 1654-1658.

Yet persecution against the Catholic community had not ceased. Many historians have viewed the Protectorate's attitude towards the English Catholic community as tolerant. Claire Cross even argues that Catholics had not enjoyed greater freedom since 1558.⁶⁷⁶ This was simply not the case. On 19th January 1654 Cromwell enacted the continuation of all the penal laws of Elizabeth's and James's reigns. In April 1655 he issued a proclamation demanding full conformity to laws against Roman Catholic priests, which the Venetian secretary, Lorenzo Paulucci, suggested could have been caused by the election of Pope Alexander VII.⁶⁷⁷ In May Paulucci noted that the

⁶⁷³ AAW, A xxxi, no.74 (A printed letter of Dr Holden to a friend, with a copy of Blacklo's submission, 1657).

⁶⁷⁴ AAW, A xxxi, no.99.

⁶⁷⁵ TNA, SP. 78/113, ff.162, 200.

⁶⁷⁶ C. Cross, 'The Church in England 1646-1660' in G.E. Aylmer (ed.), *The Interregnum. The Quest for a Settlement 1646-1660* (London, Basingstoke, 1974), pp.99-120 at p.115.

⁶⁷⁷ A. J. Loomie, 'Oliver Cromwell's policy toward the English Catholics', p. 32; CSP Ven, 1655-1656, p.55.

Proclamation also required English Catholics to take an oath abjuring the ‘supreme authority of the pope’ and denying transubstantiation.⁶⁷⁸ Proceedings would be taken against those who refused to do so. These measures should be seen in the context of the aftermath of Penruddock’s rising in March 1655, after which there was a major clampdown on suspected royalists and papists.⁶⁷⁹ There had already been commands to disarm papists in the aftermath of the failed rising. Royalists involved were either imprisoned or banished and their estates sequestered. Further, those men who had fought against Parliament or had been sequestered for delinquency were forced to pay an extraordinary ‘decimation’ tax, to fund a new militia that would supplement the main army.⁶⁸⁰

At the same time Cromwell also agreed to the surveillance of foreign embassies in the hope of arresting English Catholics on their way to Mass. The winding down of the Spanish embassy in October 1655 and its final closure in November after the Anglo-French treaty saw an increase of English Catholics at the Venetian embassy.⁶⁸¹ Giovanni Sagredo, the Venetian ambassador, wrote to the Doge and Senate that twenty ‘religious’ who had ‘enjoyed refuge’ at the Spanish embassy now sought ‘asylum’ at his.⁶⁸² To accommodate this influx, Sagredo reported that he was holding six masses every day, increasing to ten on festival days.⁶⁸³ In January 1656 Sagredo stated that numbers of Catholics attending mass at the Venetian embassy had increased again, to such an extent that it ‘causes no small umbrage to the preachers and Protestant ministers here’.⁶⁸⁴ These ministers, Sagredo wrote, had petitioned Cromwell to stop Catholics entering the embassy but the Protector declined, arguing that it would not be right to deprive Sagredo of the ‘liberty enjoyed by other ambassadors’. Cromwell argued that it was not Sagredo’s fault for keeping the embassy open, but the English Catholics’ fault for

⁶⁷⁸ CSP Ven, 1655-1656, p.55.

⁶⁷⁹ C. Durston, *Cromwell’s major generals: Godly government during the English Revolution* (Manchester, 2001), pp.16-17.

⁶⁸⁰ Ibid. p.25.

⁶⁸¹ CSP Ven, 1655-1656, pp.128 ; A. J. Loomie, ‘London’s Spanish Chapel before and after the Civil War’, *Recusant History*, 18, (1986-87), pp.402-417, at p.414.

⁶⁸² CSP Ven, 1655-1656, p.129.

⁶⁸³ Ibid.

⁶⁸⁴ Ibid. p.167.

entering to hear mass even though this was not allowed.⁶⁸⁵ It had been decided, Sagredo concluded, to 'send a corps de garde' to monitor the Venetian embassy one Sunday and arrest Catholics on their way out. Over four hundred Catholics, he thought, had been detained.⁶⁸⁶ In April 1657 the Venetian resident, Francesco Giavarina, reported that there was still intense monitoring to deter Catholics attempting to attend mass at the embassy.⁶⁸⁷

By June 1657 rumours were circulating of a new severe law against Catholics, which would, as Giavarina put it, 'utterly exterminate [them]... making them altogether wretched and beggared for the rest of their lives'.⁶⁸⁸ The law intended to specifically target those Catholics who had entrusted their estates to Protestants to escape sequestration. Anyone found doing this would forfeit their property. Giavarina believed all Catholic houses would be searched and all Catholic children removed to 'be instructed in the false dogmas of Luther and Calvin'. Any Catholic refusing to follow these stipulations would be exiled.⁶⁸⁹ The French ambassador, he thought, had asked for an audience with Cromwell in an attempt to stop the law being passed.⁶⁹⁰ In July Giavarina reported that when the act had been presented to the Protector, General Lambert had opposed it, arguing that measures should be taken against Catholics 'but with moderation and not such severity'.⁶⁹¹ Lambert, however, had only managed to muster two men to support him and therefore 'could do nothing effective to prevent its passing'.⁶⁹² Giavarina also reported that the 'principal Catholics' had petitioned Cromwell to prevent the act being implemented, 'promising in consideration, to add to

⁶⁸⁵ Ibid.

⁶⁸⁶ Ibid.

⁶⁸⁷ CSP Ven, 1657-1659, p.38.

⁶⁸⁸ Ibid. p.68; JHC VII, pp.508, 541, 561, 577 (20th March, 29th May, 18th June and 26th June 1657).

⁶⁸⁹ CSP Ven, 1657-1659, p.69.

⁶⁹⁰ Ibid.

⁶⁹¹ Ibid. p.78. Lambert had Catholic relatives, most notably his half-sister who had married the Catholic Francis Morely. He also had a close friendship with John Bellasis (see D. Farr, *John Lambert, parliamentary soldier and Cromwellian major-general, 1619-1684* (Woodbridge, 2003), pp.154-167, 169).

⁶⁹² CSP Ven, 1657-1659, p.78.

the £80,000 sterling which the exchequer receives yearly from the Catholics, £20,000 more, squeezed out of their reduced fortunes'.⁶⁹³

Their pleas were to no avail and the Act for Discovering, Convicting and Suppressing of Popish Recusants was enacted by Parliament on 26th June. The oath stood as planned, to be taken by all Catholics of sixteen years and over, who had to swear against papal disposing power. Those refusing to swear the oath would be convicted as papists and would have their estates sequestered immediately.⁶⁹⁴ The Catholics again offered to pay Cromwell £50,000 to suspend the act, but he refused, demanding £80,000 instead.⁶⁹⁵ In December there was a new drive for the apprehension of priests and, in response to rumours of a forthcoming invasion by Charles, a proclamation in 1658 ordered all Catholics to leave Westminster and London unless they lived there.⁶⁹⁶

Nearly seventy years ago, William Trimble dismissed these measures as mere 'threats' used to control the Catholic community. The increasing severity of the laws enacted against them was not really religious prejudice but instead was aimed at Catholic royalist sympathies.⁶⁹⁷ This is perhaps best indicated by the penalties enacted against Catholics in 1654 and 1658 after two unsuccessful royalist attempts to restore Charles II by force.

Yet, persecuting the Catholics was also about money. The Protectorate desperately needed cash to fund the standing army and its foreign policy. During the civil war royalist and Catholic estates had initially been sequestered to raise money for the parliamentarians, since, when Charles I left for Oxford, he had taken the exchequer with him. Government borrowing had increased 'dramatically' during the 1640s and

⁶⁹³ Ibid.

⁶⁹⁴ Ibid. pp.89-90.

⁶⁹⁵ Ibid. p.116.

⁶⁹⁶ Loomie, 'Oliver Cromwell's policy toward the English Catholics', p.41.

⁶⁹⁷ W. Trimble, 'The Embassy Chapel Question, 1625-1660', *Journal of Modern History*, 18, 2, (1946), pp.97-107, at pp.102-103.

1650s.⁶⁹⁸ The growth in the financial demands of the government rose from £856,857 between 1626 and 1640 to £1,891,900 between 1649 and 1660.⁶⁹⁹ The decision to gain control of Scotland and Ireland had serious financial implications. Between 1649 and 1656 the annual cost of keeping an English army in Ireland was around £400,000. Despite a reduction in the size of the army in Ireland it still cost £336,000 in 1658.⁷⁰⁰ Keeping an army in Scotland cost the Protectorate around £270,000 annually.⁷⁰¹ Keeping the navy was also expensive and built up large debts. At the beginning of 1657 the government did not award the navy treasurer enough money even though the Protectorate had decided to go to war with Spain. As a consequence the navy's debt increased more rapidly between 1657 and 1658 than it had done between 1652 and 1656.⁷⁰² The navy's financial situation was so precarious that in 1658 those responsible for sourcing food were unable to purchase supplies unless they paid cash in advance.⁷⁰³ The second Dutch war alone had cost £5.25 million.⁷⁰⁴

It was suggested at the time that this had also been a factor behind the increased severity of anti-Catholic laws in 1654. Paulucci had written in October 1653:

The necessity for keeping the navy and army in a good temper and well paid adds to the financial embarrassments of the government. There are no funds and it is not considered safe to impose fresh taxes, as those now in force are a heavier burden than the English have ever been accustomed to. So to avoid insurrection, before doubling the ordinary and extraordinary assessment, they have decided to raise money from the so-called 'delinquents' and Catholics.⁷⁰⁵

Again, in October 1655 Giovanni Sagredo wrote that the 'chief preoccupation' of the Protectorate was to 'find money' and the increasing taxation of the populace was causing 'consequent grumbling and unpopularity' which Sagredo thought 'might one day lead to a universal rising'.⁷⁰⁶ This was a reference to the 'decimation' tax, enforced

⁶⁹⁸ M. Braddick, *The nerves of the state: taxation and the financing of the English state, 1558-1714* (Manchester, 1996), p.37.

⁶⁹⁹ B. Coward, *The Cromwellian Protectorate* (Manchester, 2002), p.165.

⁷⁰⁰ Ibid. p.142.

⁷⁰¹ Ibid.

⁷⁰² J.S. Wheeler, 'Navy finance, 1649 – 1660', *Historical Journal*, 39, 2 (1996), pp.457-466, at p.462.

⁷⁰³ Ibid. p.465.

⁷⁰⁴ Braddick, *The nerves of the state*, p.29.

⁷⁰⁵ CSP Ven, 1653-1654, p.133.

⁷⁰⁶ Ibid. 1655-1656, p.115.

by the Major-Generals.⁷⁰⁷ It is telling that the 400 Catholics who had been arrested outside the Venetian embassy in January 1656 were released afterwards ‘on paying according to their means’.⁷⁰⁸ In 1657, when the Venetian resident Giavarina reported the rumours of a new act against Catholics, he wrote that when the French ambassador went to try and prevent the act being enforced, parliament would probably

point out to him that it was done to provide him with money and if he will not ratify it the sum voted will be diminished and they will deduct from it what might be raised by the destruction of the Catholics. So it is impossible to say whether conscience and justice will prevail in Cromwell’s mind over interest and avarice.⁷⁰⁹

As has been seen, when the act was passed it also sought to raise money from Protestants who helped Catholics protect their estates.

One should not, of course, take these Venetian reports at face value. The Venetian ambassador and ministers in London were strong supporters of the English Catholic community which could lead to, at times, rather strange and not altogether accurate interpretations of the political situation. For example, Giavarina suggested that the plots against Cromwell at the end of 1656 and the beginning of 1657 were engineered by Cromwell himself ‘to cast odium on the name of the king, to secure a firmer hold on those who favour their party, and to dissuade the parliamentarians from deciding anything favourable about the amnesty’.⁷¹⁰ This had been, the Venetian resident argued, what King James had done during his reign in order for him to ‘treat the Catholics with severity’.⁷¹¹ To excuse the Gunpowder Plot as a royal conspiracy must seem a little far fetched to even the most ardent defender of Catholicism.

Yet it does seem from other evidence that 1657 and 1658 was a time of more rigorous persecution against the community. The records of the pipe office of the exchequer, the recusant rolls, suggest that those suspected of being ‘popishly affected’ were proceeded against more frequently during this period than before. The form of

⁷⁰⁷ Durston, *Cromwell’s major-generals*, pp.97-126.

⁷⁰⁸ CSP Ven, 1655-1656, p.167.

⁷⁰⁹ Ibid. 1657-1659, p.69.

⁷¹⁰ Ibid. p.9.

⁷¹¹ Ibid.

proceeding against recusants during the interregnum was not just the sequestration of estates but also involved county JPs prosecuting those who refused to take the various forms of the Oath of Abjuration (although it should be noted that Protestant dissenters also appeared on the list of people who either refused to take the oath or to appear before the county quarter sessions). Some areas increased prosecutions for recusancy indicated increasing persecution for Catholics. Some counties witnessed substantial increases between the number of people proceeded against in 1655 and 1656, and those proceeded against in 1657 and 1658. In Suffolk, for example, forty-eight people were proceeded against for refusal to take the oath or failure to show at the sessions in 1655, whereas 168 people were proceeded against in 1657 and 1658.⁷¹² In Wales forty-two people were proceeded against in 1655 but 68 were listed in 1657/1658.⁷¹³ In Devonshire thirty people were proceeded against in 1655 and 149 in 1658.⁷¹⁴ Dorsetshire also saw an increase in prosecutions. 139 people were proceeded against in 1655 for being ‘popishly affected’ and refusing to take the oath or neglecting to turn up in the first place.⁷¹⁵ This rose to 191 people in 1657 to 1658.⁷¹⁶ The JPs of Leicester proceeded against over 130 more people in 1658 than they had done in 1655.⁷¹⁷ One can also see a big increase in those proceeded against in the London session records after 1657. In January 1657/8 78 people were presented for being popishly affected, which increased to 100 in April 1658 and 151 in January 1658/9.⁷¹⁸ Those proceeded against during the London sessions included John Paulet, marquis of Winchester, Augustine Cornwell, agent for the Portuguese ambassador, John Salvetti, ambassador for the duke of Tuscany, and Robert Seager, servant to the Venetian ambassador.⁷¹⁹

Results taken from these exchequer records vary however, and not all counties saw an increase. Kingston-upon-Hull only saw two more people proceeded against in

⁷¹² TNA, E377/60 ff.7-8; E377/63 ff.67-68.

⁷¹³ TNA, E377/61 ff.25-26; E377/63 ff.87-88.

⁷¹⁴ TNA, E377/61 ff.5-6; E377/63 ff.11-12.

⁷¹⁵ TNA, E377/61 ff.7-8.

⁷¹⁶ TNA, E377/63 ff.13-16. This is not the exact number of those proceeded against as one family is named along with their daughters, the number of daughters is not included.

⁷¹⁷ TNA, E377/61 ff.15-16; E377/63 ff.39-40.

⁷¹⁸ Dom. H. Bowler (ed.), *London sessions records, 1605-1685* (London, 1934), pp. 119-123, 130-134, 148-151.

⁷¹⁹ *Ibid.*

1657 and 1658 than in 1655.⁷²⁰ Only one more person was proceeded against in Newcastle in 1657 and 1658 than had been in 1655 and 1656.⁷²¹ Other counties saw a decrease in those proceeded against for refusal to take the oath or neglecting to attend the county sessions. The JPs in Norfolk, for example, proceeded against 151 people in 1655 but only 92 in 1658.⁷²² Lincolnshire saw a fall of more than half over the same time frame.⁷²³ There are many variables that could explain these disparities. These could include differences in the size of the English Catholic community in each county, whether some counties were more interested in proceeding against recusants than others, whether some counties proceeded against Roman Catholics rather than against other Protestant dissenters, and JPs' attitude to their Catholic neighbours. Nevertheless, in many areas of the country, Catholics seem likely to have been conscious of increased persecution.

But Cromwell also had other issues to address when considering penalties against Catholics. One was his foreign policy and the other was pacifying his critics at home. This was a fine line to walk. Cromwell could not be seen as persecuting the English Catholics at a time when he was cosying up to two great Catholic powers but neither could he afford to alienate his critics and popular opinion by being seen to be lenient towards Catholics. There was speculation at the time that Cromwell was enacting severe penalties against Catholics so he could suspend them following a request by a foreign prince, who would then become 'indebted' to him.⁷²⁴ Mazarin was dismayed by reports of the severe treatment of Catholics in 1657 as his own people were openly criticising him for making peace with a leader who was persecuting Catholics. Cromwell, however, in a meeting with the French ambassador Antoine de Bordeaux, claimed that he hoped to provide more favourable terms to Catholics in the future, when his political position was stronger.⁷²⁵ The Venetian ambassador thought that Cromwell had already taken steps to suspend the 1657 act against Catholics soon after the meeting

⁷²⁰ TNA, E377/60 f.9; E377/63 f.85.

⁷²¹ TNA, E377/60 f.11; E377/63 f.86.

⁷²² TNA, E377/60 ff.3-6; E377/63 ff.47-50.

⁷²³ TNA, E377/60 ff.1-2; E377/63 ff.41-44.

⁷²⁴ Loomie, 'Cromwell's Policy towards the English Catholics', p.37.

⁷²⁵ Ibid. pp.38-39.

to ‘mollify the wrath of the French prelates’.⁷²⁶ Cromwell also made sure he was seen to protect the rights of Roman Catholics in his territories abroad, most notably allowing Lord Baltimore to remain proprietor of Maryland in the face of puritan criticism. He also allowed private Catholic worship in Dunkirk.⁷²⁷ Cromwell gave a safe passage for the French ambassador in 1657 to take fourteen Spanish friars and four native Indian Catholics to Rome and gave permission for the funeral Mass of the Tuscan agent Amerigo Salvetti to be held in London.⁷²⁸ It was this sort of policy which allowed Cromwell to tell Mazarin he had ‘plucked many [Catholics] out of the fire’ of persecution but at the same time allowed him to use strong anti-Catholic rhetoric with the Swedish diplomat Christopher Bonde conveying his fears of a general war of religion throughout the world and the need for Sweden and England to unite against the ‘Catholic enemy’.⁷²⁹

Cromwell had other pressing matters at home. The prospect that he would accept the crown had caused eruptions of discontent within the army and made him desperate to achieve political equilibrium at home. A letter from St German en Laye written on 2/12 June 1657 mentioned the controversy over whether Cromwell would accept the crown. It said that there was a ‘great appearance of a breach betwixt him [Cromwell] and the Army’ and that ‘many were of the opinion that the government would revert to a republic’.⁷³⁰ The Army had spoken out in disgust at Cromwell assuming such a title and their point of view obviously influenced his decision not to take it, especially as he viewed the Army as ‘God’s Instrument’.⁷³¹ Although some soldiers threatened to resign over the issue there was never any evidence of a political coup in the offing. Cromwell had not been bullied into making the decision.⁷³²

⁷²⁶ CSP Ven 1657-1659, p.125.

⁷²⁷ Loomie, ‘Cromwell’s policy towards the English Catholics’, p.43.

⁷²⁸ Ibid.

⁷²⁹ Cross, ‘The Church in England’, p.115.

M. Roberts (ed.), *Swedish Diplomats at Cromwell’s Court, 1655-1656: the missions of Peter Julius Coyet and Christopher Bonde* (London, 1988), pp.133, 134-5, 171.

⁷³⁰ TNA, SP. 78/113, f.207.

⁷³¹ D. Smith, *A History of the Modern British Isles 1603-1707. The Double Crown* (Oxford, 2002), p.191.

⁷³² J. Morrill, ‘Oliver Cromwell (1599-1658)’ *ODNB*.

Nevertheless, some at the time suggested that Cromwell heightened the persecution of Catholics as a means to reinforce his position. On 26th December 1657 and 5th January 1658 Peter Church reported to Edward Nicholas that five suspected priests had been apprehended in London and arrested, four of whom were then imprisoned in Windsor Castle.⁷³³ Another letter followed again from Church to Nicholas, dated 8/18 January, where Church lamented that

If Cromwell begins his parliament with the sacrifice of the apprehended priests blood it will be but an addition to his former great crimes and possible not advance either his ends at home or glory (as he desires) abroad whatever he or his council may think to the contrary.⁷³⁴

The same sentiments were also reported by the Venetian resident, Francesco Giovanina, in a newsletter to the Doge and the Senate: ‘With the return of the parliament at hand and nothing being done so far in execution of the act against Catholics the Protector, to show that something is being done, has issued a Commission to arrest all priests that are found’.⁷³⁵ Anzolo Corrado, the Venetian ambassador at Rome wrote in February 1658 that as the holding of parliament was imminent, the laws against the Catholics were put into ‘execution with the utmost severity’.⁷³⁶

A proposal was issued on 11th June 1658 by the chapter, seemingly in response to the penal statutes enacted against the Catholic community. It outlined the chapter’s belief that appointing a bishop would not breach the ancient laws of the country and that it meant no offence to the Commonwealth but was ‘a part of the ordinary government of this kingdom’.⁷³⁷ The Instructions hinted that the clergy were willing to give up adherence to the pope’s arbitrary authority to avoid offending the State, recognising:

that the ancient laws of England admit no extraordinary power of the pope rules it be pre-acknowledged by the civil power, and by the bishops and clergy of the country; and otherwise tis punishable by praemunire if any receive it... [secondly] that the clergy of Henry the 8ths time fall into this praemunire; and by force and fear of that quitted the pope’s authority to be delivered from it... [thirdly] that the present clergy and chapter depend for their safety on the ...

⁷³³ TNA, SP 78/113, f.362.

⁷³⁴ TNA, SP 78/114, f.10.

⁷³⁵ CSP Ven 1657-1659, p.144.

⁷³⁶ CSP Ven 1657-1659, p.160.

⁷³⁷ AAW, A xxxi, no.100 (By Bishop Smith 1646 with instructions 1658).

State, which is jealous of nothing more as entrenching upon the politick interest than the arbitrary power of the court of Rome.⁷³⁸

Not only was this a response to the arrest of the five priests at the end of the previous year but also Cromwell's 'strict' proclamation published on 27th of March 1658 ordering papists to retire from London. If they did not adhere to the proclamation they were to be proceeded against as 'high delinquents' to the Commonwealth. The Army had been quartered in London and all guards had been doubled.⁷³⁹

4.8. English Catholics and the exiled Stuart court.

English Catholics' prominent political role was not just a product of Cromwell's political designs in Europe. The exiled Charles quite clearly sought to take advantage of the opportunities which arose from the factional politics playing out between Cromwell and the parliamentary Presbyterians. This made the Catholic community an important component of his restoration ambitions. Charles II's further approaches to Rome, riding on the back of these clashes, were timely. Just as Cromwell's foreign policies had opened up opportunities for the Catholic community to petition Cromwell for toleration and to petition for the re-establishment of a bishop to govern the English chapter, the parliamentary Presbyterians' refusal to tolerate Catholicism proffered opportunities for the exiled court. The royalist court member Marmaduke Langdale noted how important it was for Charles II to gain the support of the English Catholic community. Langdale wrote that although Catholics were not 'considerable' in England 'they are in this part of the world, and if they could be joined in the common interest [the restoration of Charles II] it would make the work less difficult'.⁷⁴⁰ In January 1653 Charles attempted to open correspondence with the pope following the exclusion of Catholics from the Act of Pardon and Oblivion, and to coincide with Glencairn's Rising. The king assured the pope of his 'sincere professions' to 'protest and advantage the Catholics in my three kingdoms'.⁷⁴¹ Charles hoped that the pope would acknowledge the truth behind his protestations, as he acknowledged the truth of the pope's 'expressions' of a desire to

⁷³⁸ Ibid.

⁷³⁹ TNA, SP. 78/114, f.87.

⁷⁴⁰ Nicholas Papers, III, p.54.

⁷⁴¹ CISP, 45, f.963 (January 1653).

contribute towards Charles's restoration. The king concluded that he would send an agent directly to negotiate with the pope.⁷⁴²

During the first Protectorate Parliament in 1654, Hyde reiterated that Charles would make large concessions to the Catholics in England if they supported him, perhaps seizing the political advantage against the hostility of the Presbyterian majority in Parliament to the concept of religious liberty. The crypto-Catholic Jerome Weston, earl of Portland, was thought the best person to communicate between the Stuart court and the English Catholic community, with 'whom yourself had a particular trust'.⁷⁴³ The problem, Hyde wrote to Weston, was that 'there is so great difference amongst the Catholics about the true interest of Catholic religion, and the best way of promoting that interest, that there are too many to cross at some men shall propose'.⁷⁴⁴ Hyde believed the reason the community were not offering assistance to the king was that they hoped that he would find himself in such a difficult position that he would be forced to convert to Roman Catholicism; this plan had been urged 'unreasonably and unskilfully'. Instead, Hyde wrote, Weston was to receive 'ample power' from the king to make substantial concessions to gain the community's assistance, including those who have 'as much grace and credit with the Jesuits as you want'.⁷⁴⁵ The community would be required to be 'ready to join in any noble action or attempt which they shall see discreetly entered into, by persons of a commission' and to supply money to the exiled Stuart court; this presumably being a nod towards Penruddock's rising which would take place in March 1655.⁷⁴⁶ Weston was to persuade the community that Cromwell was 'very well disposed and resolved to sacrifice both their persons and fortunes' if it proved convenient to him.

In February 1655 Charles II released a statement of readiness to repeal the penal laws against the Roman Catholics in England. This asserted that in accordance with Roman Catholics' good affection towards him, and as an acknowledgement of their suffering at the hands of the rebels, Charles had made testimony only a few days into his

⁷⁴² Ibid.

⁷⁴³ CISP, 49, f.2091 (Hyde to Weston, December 1st 1654).

⁷⁴⁴ CISP, 49, f.2013 (Hyde to Weston, September 28th 1654).

⁷⁴⁵ Ibid.

⁷⁴⁶ Ibid.

succession of how far he was from enacting penal law against them.⁷⁴⁷ He pledged he would place Catholics in all three of his kingdoms in ‘the same condition’ as his Protestant subjects and all those whose estates had been forfeited by Parliament would be freed. This could be achieved if other Catholic princes supported his cause. In fact parliamentary intelligence reports in April 1654 included the news that the Holy Roman Emperor of Mentz (Mainz) had given Charles II a hundred thousand dollars of his own money, and was encouraging Italian princes to do the same, in order to relieve the ‘distressed’ Catholics of the three kingdoms ‘by the means of R. Carolus ...upon certain conditions to be made betwixt Rome and emperor with R. Carolus’.⁷⁴⁸

This was, however, another carefully timed tactical move. Charles II’s statement followed the launch of Cromwell’s Western Design in December 1654 and was in preparation for the Penruddock Rising. It also was released after Peter Biddulph, the English clergy’s agent at Rome, named his successor and the English clergy began their campaign for a bishop for the English chapter.⁷⁴⁹ Charles was however warned by Marmaduke Langdale to be wary of the politicking of the court of Rome. ‘Rome will be found like other courts’, Langdale wrote, ‘that regard their own interest which is getting good conditions as they can for Catholics, rather than the justness of the cause of them that solicit them’.⁷⁵⁰

Cromwell’s alliance with the French and Charles’s expulsion from France gave Charles the chance to appeal to Spain. This position was helped further by the appearance of Edward Sexby, a Parliamentarian officer and ex-Leveller. Sexby had become increasingly disillusioned with the new political regime in England and, bruised by the attempt to arrest him in February 1655, decided to throw his lot in with the Protectorate’s enemies. By June Sexby had made proposals to the king of Spain for negotiations with exiled royalists and was using the Jesuit priest Father Peter Talbot as a

⁷⁴⁷ CISP, 49, f.66 (February 1655).

⁷⁴⁸ Thurloe, II, p.207.

⁷⁴⁹ See AAW, A xxxi, nos.21, 26.

⁷⁵⁰ Nicholas Papers, II, p.279.

‘go between’ between himself and Charles II.⁷⁵¹ On August 16th 1655 Talbot wrote to Charles II with great hopes that Sexby would negotiate successfully for him in Madrid if Charles II could show the Spaniards that he had enough power amongst his subjects to incite disturbance in England that would keep Cromwell too busy to retaliate against Spain.⁷⁵² Talbot believed that negotiations should take place in Madrid rather than Rome, probably because the papacy was still unwilling to help Charles; this was indicated by the presence of Dr Bailey, an agent of Cromwell, at the papal court.⁷⁵³

At the same time as Cromwell and Mazarin were on the verge of a treaty, Charles II was working hard to counteract such an alliance. Not only were some royalists in Rome lobbying the papacy to encourage a general peace between France and Spain, which would scupper Cromwell’s foreign policy completely, but parliamentary intelligence also indicated that Charles was secretly negotiating with Mazarin to marry one of the cardinal’s nieces.⁷⁵⁴ Negotiations seem to have been stopped by Henrietta Maria, who presumably would not have wanted a marriage alliance with a cardinalate which agitated against the papacy and had made an alliance with Cromwell.

The Anglo-French treaty in October 1655 cemented the belief that negotiation with Spain was the only way to see Charles II restored. Spain could provide both money and help in soliciting the pope’s support. The Spanish saw negotiations with the exiled Stuart court as the only way to secure ‘their monarchy ... from Cromwell’.⁷⁵⁵ News of Spain’s declaration of war on Cromwell was welcomed with relief by the court in exile. Hyde, in particular, realised that Spain would now be more open to negotiations with Charles II as it would be the most ‘hopeful way’ for Spain to continue the conflict with success.⁷⁵⁶ Again the exiled Stuart court would have to prove to the king of Spain that it ‘could do much in England’ before any deal could be struck.⁷⁵⁷ To help this process, Charles II met the queen of Sweden at the end of October 1655. The queen was a recent

⁷⁵¹ A. Marshal, ‘Edward Sexby (c. 1616 – 1658)’, *ODNB*.

⁷⁵² CISP, 50, f.151 (Father Talbot to the king, August 16th 1655).

⁷⁵³ *Ibid*.

⁷⁵⁴ Thurloe, III, pp.480, 577.

⁷⁵⁵ CISP, 51, f.235 (Father Talbot to the king, January 17th 1656).

⁷⁵⁶ *Ibid*. f.253 (Hyde to Clement, February 13th 1656).

⁷⁵⁷ Raw A41, f.58.

convert to Roman Catholicism and having an interview with her would hopefully help to endear Charles II to other important Catholic European powers, especially Spain. The meeting apparently went so well that the queen offered the Duke of York a place in her carriage to travel to Rome.⁷⁵⁸

Such hopes of gaining support from Catholic powers explain the king's displeasure at Henrietta Maria's discussions with the Presbyterian agitator Bamfield, concerning a joint endeavour to overthrow Cromwell, and Charles's instruction that his mother and Jermyn should cease such meddling.⁷⁵⁹ By the end of March 1656 Charles had travelled quietly to Brussels in the Spanish Netherlands to discuss such an alliance. By May, the king had taken up residence in Bruges and was granted an allowance by the Philip IV. Richard White reported in September 1656 that the king of Spain would do 'all he could' for Charles, adding that he 'would not believe' how much the king of Spain had been vexed by the Protector's failure to correspond with Philip IV 'as he ought to'.⁷⁶⁰

With negotiations opening between Charles II and Spain, the exiled court felt it was time to try and approach the court of Rome again. Hyde was led to believe that the pope was willing to 'concur with his Majesty in what is not contrary to the Roman Catholic religion'.⁷⁶¹ Once more Charles II's intentions towards his subjects became the 'chief motive' to engage with the papacy.⁷⁶² Hyde wrote to the Catholic Richard Clement in April 1656 with a softer approach to the English Catholic community than he had previously displayed, probably evoked by political circumstance rather than any new fondness towards the religion.

Whoever knows the king cannot but be well satisfied with his very gracious purpose towards his Catholic subjects, and I never yet spoke with any who hath not confessed to me that they are as great as soberly can be desired, however I know they are by others undervalued, who without considering what is practical or indeed possible, do not think any favour to your religion of importance

⁷⁵⁸ Thurloe, IV, p.81.

⁷⁵⁹ Ibid. p.354.

⁷⁶⁰ Raw A42, f.165.

⁷⁶¹ CISP, 51, f.281 (Clement to Hyde, March 18th 1656).

⁷⁶² Ibid. f.273 (Clement to Hyde, March 11th 1656).

without renouncing his own, and therefore hate those who are against that more than they do the Presbyterians, and truly, I am much mistaken if those men do not bring more prejudice to the Catholic English than the Presbyterians.⁷⁶³

Hyde stated again that Charles was far from enacting severe penalties against his Catholic subjects but believed, in reference to the penal laws, the less discussion of them the more easily they could dispense with them.⁷⁶⁴

In 1657, Charles II was approached by the Irish politician Richard Bellings, an important figure in the coalition opposing Cromwell in Ireland in 1649 and a supporter of Ormond. Bellings wrote to the exiled Stuart on behalf of the Catholic priest Louis Stuart, Sieur d'Aubigny, a cousin of the king, with proposals for the advancement of both Catholicism and the king's affairs. Although the proposals were not dated, from the king's response to them, it seems that they were written around the time of Cromwell's refusal of the Crown. D'Aubigny's main proposal to the king was that he should allow his brother, the Duke of York, to convert to Catholicism, thus giving the English Catholic community a 'visible testimony' of Charles II's affections towards them.⁷⁶⁵ D'Aubigny proposed that the duke should be allowed to travel to Spain and be educated there, and therefore would secure the pope's good affections towards both Charles II and Spain, in the hope of disadvantaging Cardinal Mazarin and his treaty with Cromwell.⁷⁶⁶ D'Aubigny warned that the conversion should happen as quickly as possible to secure the English Catholic community's support, since they were about to make a proposition to Cromwell to enable the English clergy to establish a bishop in England. The Catholics, in return, would live quietly. The English Catholics, Bellings wrote,

thought of addressing themselves to Cromwell ... to let them know, that they are ready to come to a final composition with them for their estates, and that they themselves will present such a form of oath, as shall not only bind their consciences but their affections; nay that they will give him a greater pledge of their fidelity in the person of one man, who shall be a bishop or superintendent over the clergy of England, and consequently have power over the consciences of

⁷⁶³Ibid. f.292 (Hyde to Clement, April 2nd 1656).

⁷⁶⁴Ibid.

⁷⁶⁵CISP, 55, f.981 (Bellings to the king).

⁷⁶⁶Ibid.

the whole Catholic party...and who will from time to time impose the execution of his commands as a matter of conscience on the Catholics.⁷⁶⁷

Sieur d'Aubigny had already been approached to hold this position. This proposal by the community had received encouragement by men considered to be in 'great credit' with the Protector. It was thought that after Cromwell had listened to this proposal Mazarin would 'press with all earnestness imaginable' that he should accept it. This would block any prospect of the king's restoration. Mazarin would then defend his treaty with Cromwell as a means to protect the Catholic religion and the community in England.⁷⁶⁸ Conversely Cromwell would grant the proposal on the ground of the security it would bring to the Protectorate. If, Bellings argued, the duke was to become a Catholic, however, it would 'instantly crush so dangerous a design; and that no respect of the Catholic sufferings, no promises, no offers from Cromwell, would in such a case induce the pope to give them a prelate'.⁷⁶⁹ This in turn, Bellings and Sieur d'Aubigny thought, would induce other Catholic princes and prelates to support Charles's restoration. The letter ended by reassuring the king that d'Aubigny had considered whether his proposals would prejudice the king's party in England but thought that it would not override their hatred for the regicide, the 'abolition of old ways', the 'depressing of the ancient nobility' or the 'arbitrary power Cromwell hath assumed to insult over parliaments, which at all times were held as things sacred by the nation'.⁷⁷⁰ Further to this, although realising that the aforementioned 'considerations' might extend to other religious sects, who would claim to strengthen Charles II's party 'to compass their own ends', Bellings asserted that 'none of them [were] so dim-sighted, but he sees how powerful assistances are, which may be drawn from the Catholic party at home and abroad'.⁷⁷¹

Hyde and the king, however, met these proposals with hostility. In a letter to the king, Hyde explained the reply he had written for Bellings to deliver to d'Aubigny. Hyde considered the proposals unfit and unreasonable and, as things stood, it remained with the English Catholic community and their 'unskilful importunity' if they took any

⁷⁶⁷ Ibid.

⁷⁶⁸ Ibid.

⁷⁶⁹ Ibid.

⁷⁷⁰ Ibid.

⁷⁷¹ Ibid.

action which would ‘put it out of your power to do that for them which you intend’.⁷⁷² The king’s subsequent instructions to Bellings conveyed a diplomatic refusal of the proposals. Whilst passing on his thanks to d’Aubigny and asking for his continued support, Charles stated he was ‘ready to give as much evidence of an indulgent disposition and gracious purposes’ towards the community as he could, but, being of a different faith, could not ‘do what I know will hurt myself’ and would prove to Catholic disadvantage.⁷⁷³ It was not known how far Cromwell was from an agreement with the English Catholic community or how the pope would react to these negotiations, but ‘the apprehension of it’ would not induce the king to ‘do anything contrary to my own judgement and conscience’. If the Catholics believed Cromwell ‘after so many execrable perjuries and horrible revocations of all promises’, it was their problem, not Charles’s.⁷⁷⁴ The instructions concluded that d’Aubigny was mistaken ‘in the temper of England, as to its indifference to religion, and inclinations to Catholics’ but nevertheless Charles was not, and could not be ‘an enemy to the Catholics’.⁷⁷⁵

As this reply shows, like Cromwell, Charles had to carefully balance his solicitation of English Catholic support so as not to alienate other factions. Edward Nicholas reassured Marmaduke Langdale that there was ‘much more application made to the Catholics then to the Presbyterians’ adding that the king, whilst planning for his restoration, desired nothing more than ‘to take in all parties to serve him’.⁷⁷⁶ Similar sentiments were expressed concerning the attempted conversion of the duke of Gloucester by Henrietta Maria.⁷⁷⁷ Parliamentary intelligence reported that Charles II’s court had ‘thought themselves lost for ever, and to lose all their parties in England’ if they had allowed the conversion to go ahead.⁷⁷⁸ Their refusal, however, had reportedly led to Catholics in Rome, Spain and France to ‘speak against R:C and disaffect him’.⁷⁷⁹ This could explain why a month earlier, in December 1654, the priest Talbot had warned

⁷⁷² CISP, 55, f.982 (Hyde to the king, July 13th 1657).

⁷⁷³ Ibid. f.983 (Instructions for Mr Bellings, July 13th 1657).

⁷⁷⁴ Ibid.

⁷⁷⁵ Ibid.

⁷⁷⁶ Nicholas Papers, III, p.64.

⁷⁷⁷ This will be discussed in more depth in chapter 6.

⁷⁷⁸ Thurloe, III, p.44.

⁷⁷⁹ Ibid.

Hyde of rumours that the king's civility towards the Catholics was false and just a consequence of his exile. Once he had made use of them for his ends, it was thought, Charles would 'laugh at their folly'.⁷⁸⁰

4.9. The 1640s and 1650s: a continuation of earlier political trends.

The Restoration brought hope to the English Catholic secular clergy's episcopal chapter in their hopes to reacquire jurisdiction over their community in England but Rome was still unwilling to grant them a bishop, at least until 'the inclinations' of the new regime were known.⁷⁸¹ There was a strong precedent for the behaviour of both factions as well as that displayed by Cromwell and the Independents during the 1650s. The politics of the clergy after the civil war were reminiscent of strands in clerical politics in the late 1590s. Cromwell never really had majority support after the division between the Independents and the Presbyterians in 1649 and the alienation of the royalists after the regicide. Therefore he had to look for support abroad, from either France or Spain.

It is instructive to see just how similar the patterns of religio-political manoeuvre and counter-manoeuve were in Jacobean foreign policy, with James using a range of politick diplomatic tactics and playing off a variety of domestic interest groups in much the same way that Cromwell would do in the 1650s. James, before the death of Elizabeth, had canvassed the same European powers for support. In turn, he too had offered toleration to the English Catholic community in an attempt to gain its support. One of the preliminary articles of the Anglo-Spanish negotiations for the peace treaty of 1604 was that the Spaniards would make payments on behalf of the English Catholics in return for a degree of toleration.⁷⁸² Such toleration proved, however, impossible to achieve at that time. A letter from the Constable of Castile to Philip III in November 1604 suggested that James could not authorise aid to the English Catholics because the Puritans were so 'numerous', in Scotland and England, and thought to be of such sinister intent that James was worried that if he supported the English Catholics the Puritans

⁷⁸⁰ CISP, 49, f.2101 (Father Talbot to Hyde, December 14th 1654).

⁷⁸¹ AAW, A xxxii, no.17 (Gage refers to Leyburn's attempt to bring in a Vicar Apostolic, 19 July 1660).

⁷⁸² A.J. Loomie (ed.), *Spain and the Jacobean Catholics. Vol. 1. 1603-1612*. (London, 1973), p.xx.

would stage some kind of rebellion.⁷⁸³ Throughout the peace negotiations between James and Spain in 1604 there was serious debate behind the closed doors of the Privy Council about the repeal of recusancy laws.⁷⁸⁴ Whilst these discussions were going on, Parliament, determined to protect ‘their right’ over legislation, petitioned the king to put the recusancy laws against Catholics into full force.⁷⁸⁵ The Protestants in Parliament were too powerful to be resisted. It was clearly noted by those trying to negotiate a peace with England that even if King James was inclined to leniency towards the Catholics ‘he will be turned away and prevented by Parliament which will not allow it’.⁷⁸⁶

Throughout his reign, James was also keenly aware of the antagonistic relationship between domestic religious issues and foreign policy. This can be clearly seen in both the Spanish and French dynastic match negotiations of the 1620s. In a concerted effort to maintain peace, James sought to secure a marriage settlement with either France or Spain from as early as 1614. This became more of an issue with the beginning of trouble in the Palatinate in 1618. From that year, when the negotiations were being debated in London, commissions of pursuivants against the Catholics were momentarily recalled and all the imprisoned Catholic clerics were released and put into the care of the Spanish ambassador, Gondomar, so they could leave the country with him.⁷⁸⁷ In a letter to Philip III in May 1614, Gondomar wrote that toleration for the English Catholics very much depended on the good will of James I, which was starting to be questioned:

As to reason of state, he makes use of it towards our side by not appearing to be very severe against the Catholics and by dissimulating somewhat out of fear to retain the advantage which he is going to reap by enforcing the laws that are extent against them. They are the most severe that ever have been.⁷⁸⁸

Philip III was urged to take no action unless ‘there is an affront to our honour’ as Gondomar feared the consequences for the English Catholics.⁷⁸⁹

⁷⁸³ Ibid. p.40.

⁷⁸⁴ Ibid. p.46.

⁷⁸⁵ Ibid. pp.46-47.

⁷⁸⁶ Ibid. p.48.

⁷⁸⁷ A.J. Loomie (ed.), *Spain and the Jacobean Catholics. Vol. 2, 1603-1625* (London, 1978), p.xvii.

⁷⁸⁸ Ibid. pp.28-31, at p. 31 (Diego Saraniento de Acuna to Philip III, London 9 May 1614).

⁷⁸⁹ Ibid.

As negotiations between Spain and England gained momentum James addressed his newly called parliament of 1621, asserting that he was a 'true Protestant' but arguing that when it came to matters of foreign policy and the consequent changes of domestic religious policy parliament should not bind his hands. To do so would be detrimental to the political standing of the kingdom on the Continent. This did not stop Protestant MPs attacking the English Catholics and demanding penal measures against them. Similarly, when James was negotiating a dynastic match with France in 1624, Parliament pressed for the enforcement of penal statutes against Catholics. As James arranged more favourable terms for English Catholics so that international negotiations could be successfully concluded, parliament continued to try to implement penal measures against them. As has been discussed earlier, the marriage between Henrietta Maria and Charles in 1625 did not improve the English Catholics' lot. The same could be said of the Anglo-French peace treaty in 1655. Both James and Cromwell, however, had used the position of Catholics in English society to secure concessions abroad. This was something which many Protestants were unwilling to countenance. Whether enacted or not, the possibility of such concessions for the Catholic community, placed them directly at the centre of politics and allowed Catholics to negotiate directly with the regime of the day, notwithstanding the qualms of the traditional standard bearers of anti-papery.

This is not, however, to argue that Cromwell was doing nothing more than following pre-civil war precedents. Cromwell considered Roman Catholicism heretical in a way James VI probably did not, and his own beliefs were in constant conflict with his public endorsement of religious toleration. Yet, the dynastic match negotiations of the 1620s (Anglo-Spanish and Anglo-French) provided the same political opportunities for the clergy and the English Catholic community as did Cromwell's foreign policy in the 1650s. On both occasions the Jesuit and the secular clergy fought for dominance in the community, especially over the exercising of ecclesiastical authority. In 1622 as the Anglo-Spanish negotiations were in full swing, George Gage told the pro-French faction among the secular clergy in no uncertain terms that they should stop trying to block the discussions with Spain by campaigning for their pro-French candidate for bishop. Gage argued that it was in their interest to ensure the negotiations were successful, otherwise

they would leave the English Catholic community exposed for the puritans in parliament to persecute them as they wished. The Anglo-French treaty of 1624 created the opportunity for the pro-French faction to become dominant within the English Catholic clergy. They managed to secure the bishopric of Chalcedon for Richard Smith thus, for a while, establishing an episcopal mode of government in England.⁷⁹⁰ As in the 1620s, in the negotiations between the chapter and Rome in 1656 there were still members of the clergy who were opposed to episcopal government in England, arguing that it would only increase anti-Catholic persecution.⁷⁹¹ Such opposition was, however, usually factionally based. If the chance was that the bishop would be a member of an opposing faction and therefore dominate the community at the expense of his Catholic critics, it made sense to lobby at Rome against episcopal government altogether.

There was also a clear precedent for the chapter's calls for episcopal government at the time of the Anglo-French peace treaty in 1655. Members of the secular clergy had begun a campaign in the 1620s during the dynastic match negotiations between England and Spain for the appointment of a bishop to exercise local ordinary jurisdiction over Catholics in England and Scotland. Catholics who supported episcopal government in the 1620s argued that it would help secure Catholic loyalty to the Crown by silencing those Catholics of a 'hotter sort' who might be considered a threat to the monarch's safety. A bishop could command obedience to the Crown and would 'underpin the purposes of the Jacobean state'.⁷⁹² This was also the tack taken by the clergy in 1655. The peace treaty heightened the chapter's hopes for toleration; pledging its loyalty to the republic would, they thought, only further their cause. Neither in 1625 nor 1655 was there enough support from France to sustain Catholic Episcopal government in England, but the clergy also failed to persuade the majority of the Protestant population of their loyalty either to the Jacobean state or to the republic.

⁷⁹⁰ Questier, *Catholicism and Community*, pp.120-121.

⁷⁹¹ Questier, *Newsletters from the Caroline Court*, p.74.

⁷⁹² Ibid. p.13.

4.10. Conclusion.

There can be no doubt that the factional in-fighting among the clergy weakened their hopes for toleration. But amongst all the bickering the English Catholic Church was able to continue much as it had done under the Jacobean and Caroline regimes. In fact, one could argue that the secular clergy actually benefited from the collapse of royal government. At least their programme was not impeded by the new republican state. Before 1640 the institution of a Catholic bishop and chapter was important to the English Catholic community because it was a challenge to the monarchy and the National Church. After the regicide it assumed a different role. For a time the secular clergy were able to operate a hierarchical system of church government, even after the death of Bishop Smith and the refusal of the court of Rome to confirm the chapter. The chapter set out clear proposals for advancing the mission, outlining matters of etiquette and guidelines for the arrival of new missionary priests, in order to secure a safe and quiet existence. All new priests were required to meet with the vicar general of the district they had been sent to before they did anything else. The proposals outlined the circumstances when a priest could be given money from the common purse and required that all cases of a mixed Protestant and Catholic marriage to be referred to the vicar general immediately as a mixed marriage was regarded as a ‘dangerous’ situation.⁷⁹³ Chapter meetings and assemblies were held to enable the clergy to regulate themselves. Discussions were held on the appointments of rural deans and their approval by the archdeacon and the vicar general of the particular district. There was also debate about how best to use the chapter’s capital.⁷⁹⁴ Much care was taken on the division of the counties and the appointments of archdeacons to control the clergy in them.⁷⁹⁵ The clergy also responded to the Marriage Act of 1653 when parliament made a concerted effort to register marriages. The Marriage Act stated that only a civil ceremony marriage conducted by a Justice of the Peace would be recognised by the State.⁷⁹⁶ The Catholic community resolved that after the civil marriage the bride and groom had to present

⁷⁹³ AAW, A xxxi, no.99 (Proposals for the Country, 1658).

⁷⁹⁴ OBA, I, pt 2, The Assembly of the chapter, no.165 (First draft of the Resolves, 1 August 1649).

⁷⁹⁵ OBA, I, pt 2, The Assembly of the chapter, no.169 (A letter from Dean Fitton to the Brethren (in George Gage’s handwriting)).

⁷⁹⁶ *An act touching Marriages and the registering thereof; And also touching Births and Burrials*. (London, 1653).

themselves before a priest who would then marry them in a Catholic ceremony, before the marriage could be consummated.⁷⁹⁷

The pre-civil war clergy had attempted to work out a credible distinction between what they claimed were matters of politics and activities they argued were solely religious. In doing so they pledged their political allegiance to Charles and attempted to achieve greater toleration for the mission and the community. But the defeat and execution of the king and the alliance between Scottish Presbyterians and Charles II changed everything. The English Catholic clergy, whether Blackloist, Francophile or Hispanophile, used many of the strategies which they had deployed before the civil war. The Blackloists tried to negotiate grounds for toleration from the new regime by pledging their political allegiance to it, in particular, by denying important aspects of papal political authority. In principle Thomas White argued, Roman Catholicism, by the law of nature, dictated no particular mode of polity. The Francophiles never abandoned their royalist political roots and only when the peace treaty was signed between France and England were they hopeful of religious toleration. The Hispanophiles, on the other hand, supported approaches by Spain and, indirectly, the pope to negotiate toleration for the community. Cromwell was, however, unwilling to make the concessions for which the Catholics agitated. He needed support at home from both the Presbyterians and the 'old parliamentarians', that is, those who had fought against the king on account of the 'popish plot' conspiracies. Whatever his other needs, Cromwell could never quite abandon the assumptions of contemporary anti-popery.

⁷⁹⁷ AAW, A xxx, no.170 (Certain points resolved upon to be observed by Catholics in their marriages in order to the late Act of Parliament, 23rd August 1653).

5. English Catholic politicised discourse

A review by George Tavad in 1978 of recusant thought in the seventeenth century concluded that during the Interregnum, ‘apart from some writings of Christopher Davenport and the conversions of a few Anglicans’ political events had ‘little impact’ on Catholic political thought.⁷⁹⁸ The previous chapters of this thesis, however, have suggested that this period saw the English Catholic community trying actively to integrate itself into rapidly shifting national and international political frameworks. One way in which to trace the twists and turns made by different parts of the community as they attempted to make alliances with other political interest groups is to examine the large number of texts published by Catholics during this period.

English Catholic books were published at much higher rates in the 1650s than in the 1630s and 1640s.⁷⁹⁹ The writers who were most prolific, and whose texts were republished most frequently between 1641 and 1660 were also prominent actors in the politics of the Catholic community. The most popular was the infamous controversialist Thomas White, but Peter Walsh, Hugh Cressy, John Austin, John Sergeant and Peter Talbot were not far behind.⁸⁰⁰ Catholic books published during the 1650s tell us a great deal about how English Catholics participated in national politics.

Catholic printed material of the 1650s suggests that the English Catholic community developed three possible routes to navigate through Interregnum politics. The first was to stay loyal to the Stuart monarchy and hope for the its future restoration, as favoured by the Francophile section of the clergy. The second was to accept the Independents’ ideas of religious pluralism and seek acceptance as one of several ‘tolerable’ denominations. This strategy dated back to the approaches made by the Catholics to the Army in 1647 and continued by the Blackloists, in particular. The third strategy was to utilise the development of religious pluralism to their advantage by

⁷⁹⁸ G. Tavad, *The seventeenth century tradition: a study in recusant thought* (Leiden, 1978), pp.8-9.

⁷⁹⁹ T. Clancy, ‘A Content Analysis of English Catholic Books, 1615-1714’, *Catholic Historical Review*, 86, 2. (2000), pp.258-272, at pp.259, 267.

⁸⁰⁰ *Ibid.* p.260.

seeking to establish a common cause with other denominations who wanted an ordered church structure. These negotiations were based on episcopacy. Common ground was most apparent with Laudians, who, led by the absence of a monarch during the 1650s, saw episcopacy as the defining feature of Anglicanism. Yet English Catholics also saw the possibilities of an alliance with those Presbyterians⁸⁰¹ who believed a limited episcopacy would help to maintain moral discipline in a parish-based system, and fill a vacuum in church government that resulted. This emphasis on episcopacy, however, inevitably got entangled with some clergy members' campaign for a Catholic bishop.

This chapter consists of six parts. The first looks at Catholic political thought between 1650 and 1654 and shows how the debate within the community over whether to seek toleration from the new regime or stay loyal to the monarchy played out in print. The second and third sections explore English Catholics' attempts to participate in debates over a national Church settlement and, in particular, the interactions between some members of the community and moderate Presbyterians who favoured reduced episcopal authority. The fourth section of this chapter looks at Laudian responses to Catholic controversial literature, especially Catholic attempts to align themselves with moderate pro-episcopal Presbyterians. The fifth surveys English Catholic reactions to the failure of the Cromwellian Church settlement and the sixth explores Catholic attempts to show the compatibility of Roman Catholicism and monarchical authority in anticipation of the Restoration.

5.1 Catholic political thought, 1650-1654.

Catholic published tracts which circulated in England during 1651 and 1652 concentrated on allegiance to civil authority and the possibility of toleration. Twenty-five Catholic tracts advocating religious toleration were published during the 1640s and 1650s. John Austin was the most prolific author of this type of publication and his tracts, along with others mentioned below, were part of a substantial Catholic petitioning

⁸⁰¹ I am aware that 'church puritan' is a more accurate description of the beliefs of these English 'Presbyterians', but to minimise confusion when referring to contemporary writing in this chapter I have used the same term as the authors at the time.

campaign before the 1653 Parliament.⁸⁰² Austin, who used the name William Birchley, published *The Christian Moderator, or Persecution Condemned* in 1649.⁸⁰³ It was republished in 1651 and again a year later with additions. *The Christian Moderator* was written to ‘demonstrate that conscience-persecution amongst Christians is clearly repugnant to the Light of Nature, the law of God and the evidence of our own principles’.⁸⁰⁴ Austin asserted that now that English Catholics had ‘so happily shaken off that intolerable yoke’ of the pope’s infallibility, papist political practices were consistent with civil government.⁸⁰⁵ Austin’s second edition of this work, *The Catholiques plea, or an explanation*, was a much longer tract, arguing strongly for religious toleration and overtly aligning Catholicism with the Independents against an alleged Presbyterian tyranny. Austin argued that it was the Presbyterian and prelatical factions that stood in the way of legalising the practice of Roman Catholicism. Austin wrote:

The papists of England would be bound by their own interest (the strongest obligation to wise men) to live peaceably and thankfully in the private exercise of their consciences, and becoming gainers, by such compassion, could not so reasonably be distrusted as the prelatical or Presbyterian party, who must needs reckon themselves no small losers, in that the reins of authority are taken out of their hands, which they had by turn abused into mere whips for their brethren.⁸⁰⁶

Austin attempted to absolve English Catholics from allegations of ‘non-submission’ to the new government and included a copy of the ‘Humble Petition of the Roman Catholics’, submitted to parliament on the 20th June 1652.⁸⁰⁷ The petition, Austin argued, made reasonable appeals and showed Catholics’ ‘much respect and submissiveness’ for the new regime.⁸⁰⁸

Austin had strong links with Blacklo and Henry Holden, but although he shared their Gallican principles, he was not a Blackloist.⁸⁰⁹ Later on in this tract, however,

⁸⁰² Clancy, ‘Content Analysis’, p.264.

⁸⁰³ Anthony Browne has suggested that there was an earlier edition of this work, although the date of it is unknown (Browne, ‘Anglo-Irish Gallicanism’, p.27fn).

⁸⁰⁴ W. Birchley, *Christian Moderator, or Persecution Condemned* (London, 1651), p.1.

⁸⁰⁵ *Ibid.* pp.1, 15.

⁸⁰⁶ W. Birchley, *The Catholiques plea or an explanation* (London, 1652), p.36.

⁸⁰⁷ *Ibid.* p.59.

⁸⁰⁸ *Ibid.* p.60.

⁸⁰⁹ Austin advocated denominational pluralism which included the idea of toleration for Jews and Muslims too (Browne, ‘Anglo-Irish Gallicanism’, pp.25, 42; J. R. Collins, *The Allegiance of Thomas Hobbes* (Oxford, 2005), p.179).

Austin made a claim that would come back and haunt the Catholic community after the restoration of Charles II, when he questioned the prevalence of Catholic royalism: 'I am well satisfied, that a great part of those papists, who are sequestered as absolute delinquents, were never in actual arms against the parliament, but only fled to the enemies garrisons for shelter'.⁸¹⁰ Although this type of claim had been made by Catholics elsewhere, most notably by those charged with both delinquency and recusancy by the Committee for Compounding, Austin's defence would repeatedly be used in anti-Catholic rhetoric after the Restoration. Austin's work was used to argue that Catholics had been disloyal to the Stuart monarchy and so justify the exclusion of Roman Catholics from a mainstream national church settlement. Austin's tract concluded with anti-popish cases that had taken place at Haberdashers Hall in the City of London and a list of executed priests. It caused outrage amongst Presbyterian booksellers who petitioned parliament to forbid 'heretical' publications.⁸¹¹ Austin's work was condemned along with Thomas Hobbes' *Leviathan*.⁸¹² The Independents in the Army, however, stepped in to defend Austin against what they regarded as 'Presbyterian slavery'.⁸¹³ The third edition of Austin's *Christian Moderator* was published in 1653.

Austin was not alone in publishing arguments in favour of toleration. The priest Miles Pinckney, alias Thomas Carre, published his *A Treatise of Subjection to the Powers* in 1651 also. Pinckney had been a close associate of Bishop Smith during the approbation controversy during the late 1620s and early 1630s.⁸¹⁴ He had been trained at Douai college and although he had founded and led the Augustinian nuns at Paris, it was

⁸¹⁰ Birchley, *The Catholics plea or an explanation*, p.81.

⁸¹¹ Collins, *The Allegiance of Thomas Hobbes*, p.186. Also see T. Clancy, 'The Beacon Controversy, 1652-57', *Recusant History*, 9 (1967), pp.63-74 and F. Cheynell, *The Beacon Flameing with an non ostante: or a justification of the Firing of the Beacon, by way of animadversion upon the book entitled, The Beacon's Quenched, subscribed by Col. Pride* (London, 1652); L. Fawne, *A Second Beacon Fired. Humbly presented to the Lord Protector and the Parliament by the publishers of the first. With their humble petition, that they would do what may be expected from Christian magistrates, in supporting blasphemous books* (London, 1654). Not until August 1655 did Cromwell issue orders tightening control over printing and publishing in order to block 'scandalous books' (Clancy, 'Beacon Controversy', p.69). This control lasted until the dismissal of Parliament in 1658 (Ibid. p.70).

⁸¹² Clancy, 'Beacon Controversy', p.70.

⁸¹³ Ibid.

⁸¹⁴ Questier, *Catholicism and Community*, pp.469-470.

thought that he was still consulted on financial matters concerning Douai.⁸¹⁵ By July 1668, however, George Leyburn noted that Pinckney was a priest who ‘always strongly upheld the strange and harmful doctrine of White, and to the best of his power promoted Jansenism’ and that he had refused to help his nephew join the priesthood because of its aversion to Jansenist principles.⁸¹⁶ Pinckney’s work, *A Treatise of Subjection to the Powers*, suggests that these accusations were true. Dedicated to the honourable Committee for Plundered Ministers, Pinckney argued that Catholics were taught subjection to ruling powers by the Scriptures and therefore should be considered loyal subjects. Pinckney justified the overthrow of Charles I on the grounds that although it was unlawful to resist a king, Charles I’s government was not an ‘absolute’ monarchy. Instead authority was invested in ‘king and parliament [in] conjunction’ for the benefit of the people. It was therefore lawful, Pinckney argued, for the people and parliament to take power from the king.⁸¹⁷ Pinckney went on to state he did not look upon the power of the present parliament as ‘usurped or tyrannical’ as their power had come from God.⁸¹⁸ He went even further, claiming to have been ‘amazed’ by Charles I’s continued declarations of Protestantism given the late king’s proclamations ‘in popish parts’ for the advancement of Catholicism, his invitation to the Irish rebels, the presence of the papal nuncio at Court and Charles’s decision to allow papists to arm themselves.⁸¹⁹ Pinckney then encouraged English Catholics to take the Engagement.

These assertions, although extreme, are not surprising, since Pinckney was one of the priests who had signed the Three Propositions to the Army, discussed in the previous chapter. His work may also have been a response to the crowning of Charles II by the Scots at Scone in January and to Charles’s defeat at the battle of Worcester in September 1651. It is noteworthy, however, that despite this publication Pinckney was still accepted into Henrietta Maria’s circle in France and returned to England with her after the Restoration.

⁸¹⁵ Anstruther, II, pp.245-470.

⁸¹⁶ E. Burton, T. Williams (eds.), *The Douay Diaries 1598-1654*, II, (London, 1911), p.547.

⁸¹⁷ T. Carre, *A Treatise of Subjection to the Powers*, (London, 1651), pp.12-13.

⁸¹⁸ Ibid. p.15.

⁸¹⁹ Ibid. p.29.

Catholic pleas for toleration in these first years of the Commonwealth became mixed up with the Jesuit rhetoric which had been used by William Allen and Robert Persons during the reign of Elizabeth I.⁸²⁰ They had argued that it was, under certain circumstances, licit to depose monarchs rather than to waste time petitioning such a ruler for toleration, and played up the political power of the papacy.⁸²¹ The Jesuit Thomas Fitzherbert was one of the most prominent figures of this school, and it was by no means coincidental that his famous tract *A Treatise Concerning Policy and Religion* was reissued in 1652. Twelve years after his death and forty-six years since its first publication, Fitzherbert's political ideas suited those who were trying to reconcile the English Catholic community to the new regime. Fitzherbert wrote that the duty of the subjects was to give to 'Cesar that which is Cesar's, and to God that which is Gods'.⁸²² A tyrannical ruler would, however, be deposed by God and, therefore, rebellion could be seen as His work. Fitzherbert wrote:

the true cause of the decay and overthrow of most families, is the same that I had showed by evident examples to be the ruin of kingdoms and States, to wit the sins of men, punished either in themselves, or in their children and posterity whereby whole families are extirpated, races extinguished, ancient houses decayed and personal defects or imperfections continued, sometimes in families for many descents.⁸²³

Fitzherbert lamented the changing meaning of the Latin word 'Tyrannus'. Once, he recalled, it 'signified a Monarch and absolute King' but now, after the abuse of royal authority, it signified 'only a Tyrant'.⁸²⁴ Powerful words in 1606, but equally so in 1652. *A Treatise Concerning Policy and Religion* was a strongly anti-monarchical tract. This was a common Catholic trope in the late sixteenth century. Jesuitical Catholics were considered as bad as Presbyterians. John Knaresborough, the Catholic antiquarian, claimed that Protestants learned rebellion from Catholics.⁸²⁵

⁸²⁰ This had also been seen on the eve of the civil war when, in 1641, Person's *Leicester's Commonwealth. Conceived, spoken and published with the most earnest protestation and dutiful goodwill and affection towards this realm* (London, 1641) was reprinted. In 1648, his self-explanatory entitled pamphlet, first published in 1595, *Several Speeches Delivered At a Conference concerning the Power of Parliament, to proceed against their king for misgovernment* (London, 1648) was also reprinted.

⁸²¹ See T. Clancy, *Papist Pamphleteers. The Allen Persons party and the political thought of the Counter-Reformation in England, 1572-1615* (Chicago, 1964).

⁸²² T. Fitzherbert, *A Treatise Concerning Policy and Religion* (London, 1652), Epistle Dedicatory.

⁸²³ Ibid.

⁸²⁴ Ibid. Preface.

⁸²⁵ Knaresborough MS. Foul Drafts B, p.137.

It was not just Jesuit publications that were employed to court the new regime. Richard Smith's *An Historical Epistle*, republished in 1652, although dedicated to King James, aimed to show, through the history of England, how nations benefited from 'mutual amity and league of friendship' between princes and court of Rome.⁸²⁶ While it held a papal alliance, Smith argued, 'the sceptre of England continued and flourished' but after Henry VIII had broken the alliance 'upon mere passion', the kingdom fell into 'dangers and troubles...[and] his progenie consumed, and his crown translated to an other royal line, against which in his time he made a sharp war'.⁸²⁷ This could also be read in a Caroline context. The Stuart court had never re-established an alliance with Rome and had then been overthrown. Smith's *An Historical Epistle* could serve as encouragement to the new political regime to begin overtures to the pope. The motives behind the publication of this 1652 edition are, however, ambiguous. It could also be argued that since the author was a prominent Francophile associated with the exiled Stuart court, the republished work was a plea to the exiled Charles to work with Rome, showing how an alliance would benefit his cause.

These Catholic publications do not, however, tell the whole story. As has been shown in the previous chapter not all of the English Catholic community believed in an accommodation with the new regime. These publications were therefore counterbalanced during 1650-1653 by others arguing that there should be no association with the Independents. In 1652 the publisher John Heigham's 1634 *Touchstone of the Reformed Gospel* was reprinted. *Touchstone* fitted well into the new political circumstances. It told the story of Acacius, Bishop of Constantinople, who 'had greater desire to satisfy the Emperor's mind' than to advance his own faith.⁸²⁸ Heigham used the words of the philosopher Themistius to argue that Acacius worshipped the Emperor instead of God, warning his readers that 'a known dissembler is never well thought of,

⁸²⁶ R. Smith, *An Historical Epistle* (London, 1652), p.68. Smith's tract was first published in 1603-4 under the title *Epistola Historica*.

⁸²⁷ Ibid. pp.68-69.

⁸²⁸ J. Heigham, *Touchstone of the Reformed Gospel* (London, 1652), p 68. Heigham was also linked to the publications of Thomas Fitzherbert's *Second Part of a Treatise concerning Policy and Religion* (1610) and Mathew Kellinson's *The Right and Jurisdiction of the Prelate and the Prince* (1617). See P. Arblaster, 'John Heigham [alias Roger Heigham] (b. c.1568, d. in or after 1634), bookseller', *ODNB*.

yea, he is always secretly misliked of the same potentates whom he thinketh by soothing and yielding, to gratify'.⁸²⁹ The book's message was that a good Catholic should 'resist the fancy of his Prince' even if it meant discomfort, as the reward offered in Heaven would be better than any earned on Earth.⁸³⁰

1652 also saw the publication of an edition of Lorenzo Scupoli's *The Christian Pilgrim in his Spirituall Conflict and Conquest*. The tract sought to inspire spirituality and discipline to Roman Catholic scripture in the English Catholic community. Versions of this book had first been published in 1598 and again in 1610 and 1613. Scupoli dedicated the epistle to 'the devout champions, fighting in this spiritual warfare'.⁸³¹ He argued that Roman Catholics were well equipped to defend their beliefs with scripture. This would make them 'conquerors and triumphers'.⁸³² *The Christian Pilgrim* was really a rallying cry to the Catholic community to resist oppression and, in Scupoli's words, to bring 'the animal man under the feet of the intellectual, in raising up the intellectual man to his proper sphere which is the creator'.⁸³³ The Catholic community, Scupoli suggested, should not politick for earthly gains.

Nicholas Caussin's life of King Herod, *The Unfortunate Politique* was published in 1653.⁸³⁴ Caussin was a staunch royalist dedicated to both the French and English courts. His tract discussed the actions of the 'irreligious and improsperous politician' Herod whose 'malice and hostility against God's chosen people – by usurpation and borrowed title', and his tyrannical government, held no 'civil or legal regard of his people'.⁸³⁵ Caussin's Herod bore similarities to Cromwell, a politician who had usurped a divinely chosen power and was now persecuting the English Catholics.

It should be no surprise that, as with Catholic overtures to the Army and parliament many Catholic publications from 1650 to 1653 advocated an agreement with

⁸²⁹ Ibid. pp.69-70.

⁸³⁰ Ibid. p.72.

⁸³¹ L. Scupoli, *The Christian Pilgrim in his Spirituall Conflict and Conquest* (Paris, 1652), Epistle.

⁸³² Ibid.

⁸³³ Ibid. The subject of the spiritual conflict.

⁸³⁴ N. Caussin, *The Unfortunate Politique* (London, 1653).

⁸³⁵ Ibid. To the Reader.

the new regime. The introduction of the Protectorate in 1653 signified the highpoint of the new order which had defeated Charles at Worcester, gone a long way to subjugating Ireland, and won battles against the Dutch. By arguing for the compatibility of Roman Catholic teachings and republican ideals, a section of the English Catholic community hoped to promote an understanding with this new government. Ironically, this even went so far as to make use of Jesuit polemic from the Elizabethan era. As we have seen, the establishment of the Protectorate allowed Catholics to negotiate again for toleration and to exploit approaches to the new regime from the courts of Rome, Spain and France. The former were unsuccessful. The latter rumbled on inconclusively and did not secure the rewards for which many Catholics had hoped. They did, however, create a space for the expression of Catholic political ideas.

Non-Catholic reactions to Catholic approaches to the Independents included a flurry of anti-Catholic pamphlets which criticised Independency and tried to portray negotiations as a Jesuit plot.⁸³⁶ An anonymous pamphlet argued against the Independents, stating that God had given power to magistrates to make laws for the advancement of true religion against idolatry and heresy.⁸³⁷ A pamphlet by Henry Hall, *Digitus testium, or a dreadful alarm to the whole kingdom*, published in 1650 argued that the Engagement was part of a Catholic conspiracy and was ‘like the Trojan horse that hath concealed in the belly of it [the plot], the ruin of the lawful magistracy, lawful ministry and lawful reformed religion’.⁸³⁸ Hall held the Jesuits responsible for the execution of Charles I as the pope was against monarchical power and argued that Presbyterianism was a Catholic plot that got out of hand and needed to be curtailed (hence the king’s actions against the Covenanters and Rinuccini’s actions in Ireland).⁸³⁹ Hall even accused the Independents of involvement in the Catholic plot, writing that Independency ‘was but the wooden horse with a thousand heresies in his belly, brought

⁸³⁶ See, for example, Anon, *England Ichabod, Glory departed, discoursed by two Christian men, zealous for the glory of God and true lawes of their Nation* (London, 1650), p.10.

⁸³⁷ Anon, *The Examiner Examined* (London, 1652), p.5.

⁸³⁸ H. Hall, *Digitus tesium, or a dreadful alarm to the whole kingdom* (London, 1650), Preface.

⁸³⁹ Ibid. pp.8-10, 12, 13, 18.

into the kingdom of England by the Romish politicians ... to fly in the face of the reformed religion'.⁸⁴⁰

5.2. English Catholics and visions of a national church settlement.

The counterattack from those Catholics who believed that their co-religionists should not compromise their faith displayed the divisions within the Catholic community over whether to support the new regime or to stay loyal to the exiled Stuart monarchy. They warned their fellow Catholics of the risk of displeasing God by shaping their beliefs to fit the new political dispensation, particularly the restriction that would be placed on religious liberty concerning the authority of the pope and the taking of the sacraments. The year 1654, however, signified a profound change in Catholic political thought as the Catholic community reacted to new political opportunities created by the Cromwellian search for a Church settlement. As a result, an 'episcopal nonconformist' minister, Richard Baxter, came to have a significant effect on English Roman Catholic thought.

After the Independents came to power in 1651 there was widespread agitation for a national Church settlement, since the Rump's passing of the Toleration Act in September 1650 rendered the Presbyterian reforms of the Westminster Assembly in 1643 essentially null and void.⁸⁴¹ Protestant appeals for a Church settlement grew stronger in 1652 with many counties presenting petitions to Parliament.⁸⁴² In response Independent ministers presented their Humble Proposals to the Rump in February 1652. They proposed that ecclesiastical authority should be vested in local commissioners who would not only vet ministerial candidates against scandalous doctrine but would also purge the Church of existing ministers whom they judged scandalous in religious

⁸⁴⁰ Ibid. p.15.

⁸⁴¹ The Toleration Act repealed Elizabethan legislation requiring attendance at one's parish church. There is no specific reference to Catholics in the wording of the act. It ambiguously stated that it was intended only for the relief of 'pious and peaceably minded people', (see C. Firth and R. Rait (eds.), *Acts and Ordinances of the Interregnum, 1642-1660*, II (London, 1911), pp.423-425). On the same day that the act was passed, however, the Rump undertook further measures against the Ranters (B. Worden, *The Rump Parliament 1648-1653* (Cambridge, 1974), pp.238-239).

⁸⁴² J. Collins, 'The Church Settlement of Oliver Cromwell', *History*, 87, 285 (2002), pp.18-40, at p.24.

belief.⁸⁴³ Such proposals would provide a Church settlement based on the union of godly Protestant parties.⁸⁴⁴ The Rump recalled the commission for the propagation of the gospel to debate the proposals and in turn they agreed them. By March/April 1653 several points of the Humble Proposals had been passed but, before further progress could be made, Cromwell forcibly dissolved the Rump. The Barebones Assembly was established in place of the Rump and Cromwell's subsequent campaign for a church settlement was a direct attempt to revive the Humble Proposals.⁸⁴⁵ There was, however, much opposition from pro-sectarian members, concerned that these proposals would curtail religious liberty and make the Church too reliant on state power. In frustration at the Barebones Assembly's inability to reach a settlement and fearing that radicals within it would usurp power to impose their legal ideas, Cromwell's supporters launched a coup that saw the Assembly surrender its power on 12th December. Cromwell was established as Lord Protector four days later.⁸⁴⁶ This opened the way for a Cromwellian Church settlement, a type of 'magisterial Independency'.⁸⁴⁷

Amongst those calling for a Church settlement was Richard Baxter, an 'episcopal nonconformist' minister from Kidderminster, Worcestershire. In response to the numerous sects which had formed after the civil war, Baxter argued for the necessity of a national Church. He used Archbishop James Ussher's ideas of a limited episcopacy to encourage unity amongst Protestants. A version of a national Church had been offered to the king during the negotiations with parliament in 1647; the king had accepted but the parliamentarians refused it. By 1652, however, Baxter regretted the lack of a disciplinary structure, such as had been supplied by the Church courts.⁸⁴⁸ With a positive response from his congregation in Kidderminster he set up a 'coercive jurisdiction' policy whereby he was authorised by his congregation to investigate any of the worshippers

⁸⁴³ Ibid. p.25.

⁸⁴⁴ For a historiographical review of the debate over whether the Cromwellian regime was tolerant or sought Protestant unity see B. Worden, 'Toleration and the Cromwellian Protectorate', in W.J. Sheils (ed.), *Persecution and toleration: papers read at the Twenty-Second Summer Meeting of the Ecclesiastical History Society* (Oxford, 1984), pp.199-233.

⁸⁴⁵ Collins, 'Church Settlement', p.25.

⁸⁴⁶ Coward, *The Cromwellian Protectorate*, pp.13-21.

⁸⁴⁷ Collins, 'Church Settlement', p.22.

⁸⁴⁸ S.R. Gardiner, *History of the Commonwealth and Protectorate 1649-1660*, II (London, 1897), p.325.

suspected of lax morals.⁸⁴⁹ He then, in turn, created the Worcester Association, a mixture of Worcestershire ministers from different Protestant sects, who worked to support each other's ministry in the community regardless of their different opinions, thereby creating a substitute for episcopal authority.⁸⁵⁰ The Worcester Association petitioned parliament at the end of 1652 asking them to work towards establishing a limited episcopacy (of Presbyterian discipline) in order to save God's 'Church, his Gospel, and the souls of ourselves and posterity' from seduction by 'Romish adversaries'.⁸⁵¹ The petition focused on Baxter's distinction between episcopacy and 'prelacy'. He wanted an episcopal model for coercive jurisdiction, whereby ministers from the Independents, Presbyterians and Baptists would work together parochially to unify the Church.⁸⁵² The petition argued that establishing a limited coercive episcopacy whose ministers were 'some of the most godly, prudent peaceable divines of each party', would produce an accommodation over Church government and bring unity of religion for the English.⁸⁵³

Although the petition seemed to suggest that Roman Catholics would not be included, Baxter's private correspondence with John Dury, a Church of England minister, gave an altogether different impression. Dury was a natural choice of correspondent for Baxter. A previous member of the Westminster Assembly, he had spent most of the 1620s and 1630s campaigning for a worldwide Protestant union and even trying to secure Archbishop Laud's support.⁸⁵⁴ Dury had renounced his royalist credentials in 1649 and aligned himself with the new regime by supporting the Engagement Act. Writing to Dury before the Worcester petition, Baxter suggested a conference be held amongst Protestant divines to agree to a Church union.⁸⁵⁵ The

⁸⁴⁹ Ibid.

⁸⁵⁰ Ibid. For more discussion on religion in parishes during this period see D. Beaver, 'Behemoth, or civil war and revolution, in English parish communities 1641-82', in N. Tyacke (ed.), *The English Revolution c. 1590-1720. Politics, Religion and Communities* (Manchester, 2007), pp.129-149.

⁸⁵¹ *The Humble Petition of Many thousands, Gentlemen, Free-holders, and others of the County of Worcester To the Parliament of the Common-wealth of England* (London, 1652), pp.4-5.

⁸⁵² Gardiner, *History of the Commonwealth*, II, p. 325-6.

⁸⁵³ *The Humble Petition*, p.7.

⁸⁵⁴ J.T. Young, 'John Durie [Dury]', *ODNB*.

⁸⁵⁵ J.C. Spalding and M.F. Brass, 'Reduction of Episcopacy as a Means of Unity, 1640-1662', *Church History*, 38, 4 (1961), pp.414-432, at p.422.

proposed meeting would include Protestant, Independent, Episcopal and Erastian representatives; Catholics, Baxter wrote, should not be part of the original negotiations but once a settlement was reached he thought it 'pious and laudable' to accommodate with the Catholics too, 'At such a time', he pondered 'there might be an international council initiated by the sovereign power'.⁸⁵⁶ Baxter was attempting to co-opt Protestant divines into an agreement implementing a reduced episcopacy. Once terms were agreed, he was willing slowly to introduce Catholic divines into the Church settlement. Not only did Baxter believe that 'the silliest soul is precious and must not be vilified or neglected' but he also recognised the Catholic Church as a direct descendent of the Ancient Church and admired the discipline it taught.⁸⁵⁷ Baxter could appeal to a particular sort of Catholic and was trying to exploit extant divisions between the English Catholics, in particular the ones that stretched back to the Elizabethan period. He argued for Christian unity based on a rejection of Jesuitical politicization of religion. Indeed, during the ensuing debates concerning the religious settlement during the first years of Charles II's reign, Baxter corresponded with the Catholic priest William Johnson, alias Couborne. They debated (in a gentlemanly manner) the infallibility of the Church of Rome and the necessity of communicating with the See of Rome.⁸⁵⁸ It must be remembered that Baxter's prime reason for negotiation was to stop separatist sects and, although he saw the possibility of accommodating Catholics into a church settlement, Jesuits were to be excluded.⁸⁵⁹

⁸⁵⁶ Ibid. pp.422, 424.

⁸⁵⁷ For quote see R. Baxter, *The Worcestershire petition to Parliament for the Ministry of England defended* (London, 1653), Preface.

⁸⁵⁸ Foley, VI. p.325; W. Johnson, *Novelty Represt In a Reply to Mr Baxter's Answer to William Johnson* (Paris, 1661); R. Baxter, *The Successive Visibility of the Church* (London, 1660). William Johnson was not averse to engaging in debates between divines. In 1637 Johnson had written to Owen Felltham in response to Felltham's *Resolves: Divine, Moral, Political* which defended the Church of England (T. L. Peabworth, 'Owen Felltham (1602? – 1698), essayist and poet', *ODNB*). Johnson claimed that Felltham's defence of the Church of England as the best religion because 'it makes most for god's glory and man's quiet' was misguided. Johnson argued that the Church of England deprived God of five sacraments, the main one being the denial of the real presence of God in the Eucharist (O. Felltham, *Resolves: Divine, Moral Political. The eighth Impression with new and several other additions both in prose and verse not extant in the former impressions* (London, 1661), p.77. He also argued that the Church of England had no infallible authority, and accused the Protestants of teaching against the scriptures (Ibid. pp.77, 78).

⁸⁵⁹ Baxter's anti-Jesuit feelings were conveyed through most of his work, especially during the closing years of the Protectorate. On the eve of the Restoration Baxter published *A Key for Catholics, To pen the Jugling of the Jesuits, and satisfie all that are truly wiling to understand, whether the Cause of the Roman or Reformed Chruches be of God; and to leave the Reader utterly unexcusable that after this will be a papist* (London 1659), which discussed past incidents of Catholic plotting against kings (see Epistle).

With the establishment of the Protectorate came renewed efforts to reach an agreement over the national Church. Cromwell set up a committee of the Council of State in 1654 to pursue ideas that had been included in the Humble Proposals. In February, Dury held a meeting of the London clergy made up of five Presbyterians and five Independent divines. They discussed proposals for a church settlement, but enjoyed only very limited political support.⁸⁶⁰ Baxter was invited to attend but was disappointed with the outcome. The Independent ministers rejected his plans for ‘total latitudinarianism’.⁸⁶¹ The main point of contention between Baxter, Cromwell, and Dury was how to bring about a Protestant union. Baxter believed any that changes should be carried out by divines whereas both Cromwell and Dury felt that ‘directive power’ should rest with parliament.⁸⁶²

From the aforementioned committee of the Council of State two ordinances were passed in 1654: Triers in March and Ejectors in August. These were policies that had been outlined in the Humble Proposals and could now be implemented because their critics had been removed. The Triers were to judge whether ministerial nominees were godly enough to preach and be given a living and Ejectors were to eject ministers who were scandalous and, therefore, disloyal to the government and to God.⁸⁶³ Neither body was composed of solely clerical authority; in fact the Ejectors were all laymen, men specifically loyal to the Protectorate. The clergy no longer had independent authority; the removal of episcopacy was viewed as the removal of ‘seditious political faction’.⁸⁶⁴ The separation of the spiritual and temporal had been overridden; religion was now under state control.

⁸⁶⁰ Spalding, Brass, ‘Reduction of Episcopacy’, p.424.

⁸⁶¹ G.R. Abernathy, ‘Richard Baxter and the Cromwellian Church’, *Huntington Library Quarterly*, 24, 3 (1961), pp.215-231, at p.223.

⁸⁶² *Ibid.* p.219.

⁸⁶³ Collins, ‘Church settlement’, pp.27-28. Also see C. Durston, ‘Policing the Cromwellian Church: the activities of the county ejection committees, 1654-1659’, in P. Little (ed.), *The Cromwellian Protectorate* (Woodbridge, 2007), pp.199-200.

⁸⁶⁴ Collins, ‘Church settlement’, p.34.

There was no space within this Church settlement for Roman Catholics, episcopalians or separatists. It does not, however, appear totally to have disenchanted the English Catholic community. Incredibly, ‘certain divines’, no doubt with the knowledge and support of Baxter, presented a petition to the General Sessions of Peace at Worcester in 1654, defending Roman Catholics against a recent petition. They asked the justices and jury at Worcester to join with them in petitioning ‘his highness the Lord Protector’ against such violent anti-Catholic aggression although they also clearly stated that they disliked Catholicism.⁸⁶⁵ The petitioners argued that the Catholic community was already persecuted and held no power anyway. To add to its ‘suffering condition’ could ‘intend nothing but destruction’.⁸⁶⁶ Such desires from ministers of the Gospel, the petition continued, were not a part of Christianity and Catholics no longer represented a threat to the safety of the country:

Let any divine show me how in conscience he can be persuaded to destroy anyone, or to deprive him of liberty or livelihood because being of a different Christian faith to him... And for restraining or securing in their sense: what securing without punishing. It is the means of deceit to make difference in the terms when there is no real difference in the things themselves. What other securing then the laws still in force: such as the most exasperated times did produce: and such as send to prison banishment yea and to death itself in those cases of offending against the civil government.⁸⁶⁷

The petitioners’ pro-episcopal stance was conveyed by their argument that not only would Church government prevent schisms but that without such government Catholics were likely to fall ‘into their extremes and so consequently to their ruin: so doth religion as it hath a human and worldly part in it’.⁸⁶⁸ The petition attempted a clear distinction between English and Irish Catholics to counteract the hostility created by the Irish Rebellion. The English Catholics, it stated, had always denied the pope’s infallibility and temporal power whereas the Irish were ‘never naturally in their allegiance to England’ because they ‘never had any natural born king since they were conquered but foreign government over them’. The petition appears almost ‘appellant’

⁸⁶⁵ Belson, Q29, ‘*An Answer to a petition proceeding from certain divines and commended to the Justices and Jury at the General Sessions of the peace holden at Worcester to join with them in it to his Lord Protector*’.

⁸⁶⁶ Ibid.

⁸⁶⁷ Ibid.

⁸⁶⁸ Ibid.

in tone and used the same rhetoric as William Cecil in his famous publication *The Execution of Justice in England* in 1583.⁸⁶⁹ It was also strongly anti-Jesuit, arguing that Spanish popery was synonymous with treason, referring to the plotting of the Earls of Westmorland and Northumberland against Queen Elizabeth. It accused Persons and his fellow Jesuits of corrupting papists' children in seminaries but was keen to state that not all Catholics supported Spain or Spanish popery. It emphasised that there had not been 'the least whisper of treason from the papists' since the Gunpowder Plot in 1605.⁸⁷⁰ There were 'great many in the Army', the petition closed, that were 'opposers of the Church', but it argued that 'So as we see generally and commonly there is a nearer way to security than by the severity especially in affairs of religion'.⁸⁷¹

An anonymous pamphlet published in the same year expressed similar sentiments. *Stereoma* stated that it was reasonable for English Catholics, priests excluded, to be tolerated.⁸⁷² It argued that different opinions should be tolerated except popery because its doctrines were 'directly contrary to the tenor of the scriptures'.⁸⁷³ Lay Catholics could be tolerated, however, as long as they lived peaceably and did not hold authoritative positions within society.⁸⁷⁴ If Catholics increased exponentially or engaged in plotting, the author said they could be rounded up and sent to live either under the governance of foreign Catholic leaders or in a new colony by themselves.⁸⁷⁵ Catholics could be punished for plotting against the State, even if the king or nobility were involved in the rebellion.⁸⁷⁶ The pamphlet also advocated a reduced episcopacy sufficiently independent of state control. Magistrates, the author wrote, had no further or higher power to judge religion than that given to every man.⁸⁷⁷ The magistrate, it was

⁸⁶⁹ W. Cecil, *The Execution of Justice in England* (1583).

⁸⁷⁰ Belson, Q29, *An Answer to a petition proceeding from certain divines*.

⁸⁷¹ Ibid.

⁸⁷² Anon, *Stereoma. The establishment of discourse tending to the settling minds of men, about the chief controversies of the present times* (London, 1654), pp.75, 78.

⁸⁷³ Ibid. p.73.

⁸⁷⁴ Ibid. p.78.

⁸⁷⁵ Ibid. p.79.

⁸⁷⁶ Ibid. pp.80-81.

⁸⁷⁷ Ibid. pp.54-55.

argued, was only a 'determinative' judge in political matters, a synod was the highest judge in ecclesiastical matters.⁸⁷⁸

Baxter's interventions, the non-establishment of a reduced episcopacy and a Church settlement that failed many people, presented a new opportunity to the English Catholic community, the Jesuits excepted.⁸⁷⁹ There can be little doubt that this was attractive, particularly to the episcopal chapter. Certainly reports reached the exiled Stuart court suggesting 'compliance' between the Catholics and the Presbyterians. Joseph Jane wrote to Edward Nicholas at the Hague that if an alliance had been made between the two parties it was for profit only 'for at present the Presbyterians are not so tender to endure the breath of no papist. They fear more of the Independent, if he get a mastery'.⁸⁸⁰ Yet, it should be remembered that Baxter was not a typical Presbyterian. He favoured an inclusive ministry (along with the Laudians and Catholics) unlike many other Presbyterians who did not.

Anti-Catholic writers were aware of these potential connections between Catholicism and Presbyterianism. Pamphlets published during the early 1650s argued that Catholics and Presbyterians were of the same ilk, especially regarding ecclesiastical authority. The writer Edward Lee, in his *Legneda lignea* directly answered Birchley's *Christian Moderator* and argued 'If an erroneous conscience may have liberty to conceive what opinion he please and to speak and act what he will, there will be no end of scandals and offences'.⁸⁸¹ He also defended, in effect, *iure divino* episcopacy.⁸⁸² Lee argued that Catholics and Presbyterians were working together to enforce a change in religion and it was these two groups who were responsible for Laud's execution. Lee

⁸⁷⁸ Ibid. pp.57, 78.

⁸⁷⁹ Ann Hughes has argued that despite this failure to reach a settlement, the national Church in the 1650s worked well on a 'practical day-to-day' basis. The regime, Hughes argues, was more flexible to local initiatives than Collins credits (A. Hughes, 'The public profession of these nations: the national Church in Interregnum England', in Durston, Maltby (ed.), *Religion in Revolutionary England*, pp.93-114). Such local arrangements are not, however, the focus of this chapter, which argues that English Catholic controversialists took part in the national discourse that sprang from the differences in puritan visions of a church settlement.

⁸⁸⁰ Nicholas Papers, Vol. II p.333.

⁸⁸¹ E. Lee, *Legneda lignea: with an answer to Mr Birchley's Moderator* (London, 1652), p.50.

⁸⁸² See M. Questier, 'Arminianism, Catholicism and Puritanism in England during the 1630s', *Historical Journal*, 49 (2006), pp.53-78, at pp.60-61fn.

quoted from a sermon of Laud's, which alleged that 'the Romans will come, and will take our country'.⁸⁸³ Lee continued, 'That prediction proves now to a true prophecy; see the politique union of bitter enemies, using the same means to contrary ends'.⁸⁸⁴ Both, Lee argued, had been trying to implement their own religion but the English, unlike the Scottish, had had not fallen for their plans. Now the Catholics had resorted to campaigning for toleration. Lee accused those Catholics who took the Oath of Abjuration of doing so in order to save their estates from sequestration and sneered at Birchley's attempt to seek protection under the Army's motto of 'liberty to all tender and oppressed consciences' as, Lee argued, it was 'papal and Presbyterian' tyranny that the motto was meant to serve against.⁸⁸⁵ The papists' 'erroneous consciences' were 'inconsistent' with civil government.⁸⁸⁶ Lee ended his work hoping '[t]hat the great bellows of faction and sedition (the Presbyter, and the Jesuit) might have their mouths stopped that they might not breathe so freely, and further blow and kindle the coals of dissention'.⁸⁸⁷

An anonymous pamphlet entitled *Old popery in a new dress of presbyterie* expressed similar sentiments. It argued that Presbyterianism and Catholicism were similar because they both interfered with temporal authority. Roman Catholicism had 'clipped the wings of temporal power', and the Presbyterians were guilty of the same thing, 'whether a National Church government by a General Assembly of Presbyters, as it has been exercised in Scotland and strongly endeavoured to be established in England'.⁸⁸⁸ The pamphlet lamented that Catholics and Presbyterians had taken in 'the rulers of the Earth... to interweave a secular power with their ecclesiastical'.⁸⁸⁹

5.3. English Catholic pro-episcopal tracts.

Previous research into Catholic responses to the regime has concentrated on the English Catholic community's approaches to the Army. Here, however, was another,

⁸⁸³ Lee, *Legenda lignea*, preface.

⁸⁸⁴ Ibid.

⁸⁸⁵ Ibid. pp.62-63, 66-67.

⁸⁸⁶ Ibid. pp.61, 82-85.

⁸⁸⁷ Ibid. p.237.

⁸⁸⁸ Anon, *Old popery in a new dress of presbyterie* (London, 1652), pp.6, 7.

⁸⁸⁹ Ibid. p.10.

altogether different strategy from a section of the community. These Catholics who identified themselves by their opposition to the alleged evils of the Jesuits thought they had more in common the Presbyterians than with the Independents. This was a golden opportunity for a religio-political alliance.

From 1654 until the Restoration Catholic pro-episcopal/anti-sectarian tracts dominated the material published by English Catholics. Controversies between Catholics and Protestants showed that many English Catholics championed a reunion between the two churches. For example, the publication *An Answer to a book*, published in 1654, under the initials R.T, argued that the Church of England, although distinct from those in communion with her, was not different to the Roman Church. It pleaded to any Protestant readers, 'I heartily pray, that instead of replying to this answer, you may be reconciled to Gods holy Catholic Church'.⁸⁹⁰ The Jesuit priest John Spencer published his *Scripture Mistaken* in 1655. It argued that Protestants manipulated scripture to support their own doctrine unlike the Roman Catholic Church that was based on tradition.⁸⁹¹ He and John Lenthall, a converted Protestant, formed a sort of 'controversial group' with the Protestants Peter Gunning and Dr John Pearsons that over a year's worth of meetings and letters in 1657 debated whether Roman Catholics or those from the Church of England were schismatics.⁸⁹²

The English Catholic community was also keen to show itself as an ordered, traditional Church, independent from secular jurisdiction in contrast to the 'Imperial puritanism' of the Cromwellian Church settlement.⁸⁹³ There are many examples of this. 1655 saw the reprinting of Richard Broughton's *Monastiction Britanicum*, which was a history of the religious orders founded in Britain by the Roman Catholic Church.⁸⁹⁴ Broughton, a Catholic priest, had been a prominent secular clergyman during the

⁸⁹⁰ R. T, *An Answer to a book entitled An Account of the Church Catholike* (Paris, 1654), p.165.

⁸⁹¹ J. Spencer, *Scripture Mistaken, The Ground of the Protestants And Common Plea* (Antwerp, 1655).

⁸⁹² T. McCoog, 'John Spencer (1600-1671)', *ODNB*.

⁸⁹³ Collins, 'Church Settlement', p.23.

⁸⁹⁴ R. Broughton, *Monastiction Britanicum: or a Historical Narration* (London, 1655).

Jacobean and Caroline periods. He wrote devotional and polemical literature and also in defence of the institution of Catholic bishops.⁸⁹⁵

John Sergeant published his *Schism Disarmed* in 1655 and quoted the work of Richard Hooker ‘one of the best, and perhaps the most prudent writer of all that profession’, who, Sergeant wrote, stated that the Church of England would not last more ‘then four score years – as bearing corruption the material prima of a secular basis; which continually exposed it to a mortality, as the forms of government should have their ever-limited period’.⁸⁹⁶ In contrast the Catholic church had strong foundations which could ‘never fail or decay; since they rely not on the slippery and weak prop of temporal power for their authority’ but instead on the ‘never-altering’ eternal foundation of power.⁸⁹⁷ Catholic priests’ power could not be taken away as it was power derived from God himself. But ‘the jurisdiction of your bishops may be taken away by the same parliamentary power that set it up’.⁸⁹⁸ Sergeant argued that Catholics too longed for a peaceful communion between the two Churches, ‘Embossing the daughter – Church of England in a charitable communion with her dearest mother; by whose painful throes she was first born to Christ’.⁸⁹⁹ Sergeant baited the Protestant Dr Hammond, poking fun at the emerging differences between Presbyterians and Episcopalians. He wrote:

The puritans (following the Protestants example) now refuse obedience to the Church of England, seeing in her so many dregs of popery remaining. Unjustly did the Church of England (saith the Doctor) in obliging them to her disobedience, and cutting off poor Bastwicks, Burtons and Prynne’s ears.⁹⁰⁰

In the most recent disputes concerning a new Church settlement for the Protectorate, Hammond had ‘while he disputes against his brother Presbyters, fallen into a sudden fit of popery, and unawares laid grounds for a greater authority in the pope, then many papists will grant him’.⁹⁰¹ Henry Hammond and John Bramhall, Bishop of Derry, were both Church of England clergymen and controversialists. In their publications during the

⁸⁹⁵ P. Holmes, ‘Richard Broughton (c. 1561-1635)’, *ODNB*.

⁸⁹⁶ J. Sergeant, *Schism Disarmed of The Defensive Weapons, Lent it By Doctor Hammond and the Bishop of Derry* (Paris 1655), p.300.

⁸⁹⁷ *Ibid.* p.301.

⁸⁹⁸ *Ibid.* p.302.

⁸⁹⁹ *Ibid.* p.304.

⁹⁰⁰ *Ibid.* p.16.

⁹⁰¹ *Ibid.* p.95.

1650s, both defended the Church of England from accusations of schism, and asserted the importance of episcopacy and their claim to apostolic succession.⁹⁰² Sergeant attacked both men's work because he believed that the Church of Rome was the superior Church, the 'mother', and that the Church of England was a poor imitation that had no traditional justification, whose novelties had led to sectarianism. Both Anglican and the Catholic controversialists tried to show themselves as the alternative to the anti-episcopalians and the Independents.

The Franciscan priest Christopher Davenport entered into debate concerning reconciliation between the two Churches in his *An enchiridion of Faith*, published in 1655. Through dialogue between a disciple and his master Davenport asserted that Catholics should not attend Protestant services and that although papal power was a part of Catholic faith, 'it is not acknowledged by the Church, any power in the chief pastor to disturb' temporal power.⁹⁰³ Exploring what would unite the two churches, Davenport wrote it should not be an accommodation but instead 'a conciliation' based upon the subscription to the definitions set out by the Council of Trent.⁹⁰⁴ Davenport wrote:

Condescendency in matter of opinion is charitable and reasonable... we should not for opinions judge, that, is in our case leave our brethren... The old Christian way was by mildness to work upon the affections rather than with violence to attempt hypocritical conversions.⁹⁰⁵

Davenport had written something similar in 1634, *Deus, natura, gratia*, which argued that the Thirty-Nine Articles were not incompatible with Roman Catholic doctrine. The publication caused great scandal because Charles I refused to ban it. In 1656 Davenport published *An Explanation of the Roman Catholics* to explain the greatest Protestant anxieties when confronted by the Roman Catholic faith, namely idolatry and transubstantiation. Davenport insisted that Catholics did not worship images but instead images had been kept in Catholic churches with 'decent respect' to 'assist our memories

⁹⁰² H. de Quehen, 'Henry Hammond (1605-1660), Church of England clergyman and theologian', *ODNB*; J. McCafferty, 'John Bramhall (bap. 1594, d. 1663) Church of Ireland archbishop of Armagh', *ODNB*.

⁹⁰³ C. Davenport, *An enchiridion of Faith* (Douai, 1655), pp.97-108.

⁹⁰⁴ Ibid. p.125.

⁹⁰⁵ Ibid. pp.124-125.

and excite our affections'.⁹⁰⁶ The Eucharist was a 'visible sign' in the form of bread and wine which 'no Catholic may or doth direct his worship', invisible grace was signified by the bread.⁹⁰⁷ Davenport almost certainly chose to publish these two works to coincide with the Anglo-French treaty of October 1655, alongside further calls for toleration from the English Catholic community.

Likewise in the same year Henry Holden's work *The Analysis of Divine Faith* was also published; a second edition appeared in 1658. The book was translated by an anonymous writer who dedicated it to several prominent Church of England clergymen. The translator stated that he had chosen to publish the book because its proposals would secure a union between the Church of Rome and the Church of England, a marriage he had believed impossible 'in respect of several temporal interests'.⁹⁰⁸ In this book Holden discussed the importance of episcopacy and the internal order that general councils and popes provided for the Catholic Church.⁹⁰⁹ The testimony of God was conveyed by the instruction and discipline of bishops and pastors:

Pastors and rectors have a true and rational certainty of the infallibility of the means by which this divine doctrine is conveyed to them, ... it is noted ...that Christ himself hath instituted in the Christian Church certain ministers, pastors and preachers, who are to continue in an uninterrupted succession to the World's end.⁹¹⁰

He went so far as to say that 'all true faith and religion is either Catholic and universal or none at all'.⁹¹¹ Holden also stated that oaths must be made only when 'necessity require it with judgement, with truth and with justice... a compelled and forced oath, contrary to a man's honesty or utility ... is of no value'.⁹¹² It was no accident that this section of the English Catholic community thought it opportune to intervene polemically in this way at a moment when not only were the secular clergy campaigning for a new bishop in

⁹⁰⁶ C. Davenport, *An Explanation of the Roman Catholics Belief, concerning Their Church, Worship, Justification and civil Government and Their other Tenents* (London, 1656), p.2.

⁹⁰⁷ Ibid. p.5.

⁹⁰⁸ H. Holden, *The Analysis of Divine Faith: or Two Treatises of the Resolution of Christian Belief* (Paris, 1658), Translator to the Reader.

⁹⁰⁹ Ibid. pp.26, 48, 83.

⁹¹⁰ Ibid. p.26, 112.

⁹¹¹ Ibid. p.83.

⁹¹² Ibid. p.341.

Rome, after the death of Bishop Smith, but Cromwell was also negotiating with Mazarin for the Anglo-French treaty.

The Irish priest Peter Talbot waded into the controversy, laying the blame for the rise of sects on the Church of England itself:

the liberty of war giving licence to those infinite sects (which lay lurking in every corner of the English Church) to sally forth, and to appear to the world in different colours, every one took notice, how few were grounded on those tenents, whereon the Church of England is built... [the curse of Cain] is fallen by inheritance upon our English Protestants, their last change is to turn into Quakers, whose sect is nothing else but Protestantcy fallen into paulsey, and inclining to a sudden apoplexy.⁹¹³

The heresy of Protestants was indicated by their ‘liberty of believing’.⁹¹⁴ Although Talbot’s tune was distinctively anti Independent/anti-secular it did not follow that he was, as a Jesuit, in favour of an alliance or rapprochement with the Presbyterians. At this time Talbot was trying to establish alliances between Charles II and European Catholic powers, in particular Spain, with whom Cromwell’s negotiations had broken down as a consequence of the Anglo-French Treaty.⁹¹⁵ Talbot also tried to encourage the king to convert to Roman Catholicism in an effort to help along negotiations between the exiled Stuart court, Rome and Spain.⁹¹⁶

Even Thomas White got in on the act, dedicating his work to John Coates, a royalist but not a Catholic, and other gentlemen like him who:

yet (by an unhappy mistake of some seduced zealots) were therefore disesteemed and cast off, as being scarcely either good Christians, or loyal subjects. An error nourished by some of our greatest ... and so far drove on by design, under pretence of securing the state, their temporal interest, and the new established Gospel; that now at length they have lost and undone themselves, their best subjects and friends, and the formalities (though that be least to be lamented) of their supposed Church.⁹¹⁷

⁹¹³ P. Talbot, *A Treatise of the nature of Catholic Faith and Heresie with Reflexion upon the Nullitie of the English Protestant Church, and Clergy* (Rouen, 1657), To the Reader.

⁹¹⁴ Ibid. p.68.

⁹¹⁵ T. Clavin, ‘Peter Talbot (1618/1620-1680)’, *ODNB*; see also CISP, 45, f.2101; CISP, 49, f.66; CISP, 50, f.151, 163; CISP, 51, f.235.

⁹¹⁶ Clavin, ‘Peter Talbot’.

⁹¹⁷ T. White, *Manual of Divine Considerations Delivered and concluded by the Reverend Thomas White* (London, 1655), To the Reader.

Although White had previously written anti-puritan polemic, one suspects that the purpose of this publication was not an alliance between English Catholic controversialists, pro-Episcopalians and Presbyterians against Cromwell, as it was widely known that Blacklo was still appealing to Cromwell's 'Independency' as late as 1657. It is likely that this was part of such an appeal: an attempt to criticise Cromwell's political opponents in order to ingratiate himself with the Protector.

5.4. Laudian responses to English Catholic pamphleteering.

Some Laudian controversialists responded to this Catholic literature. Discourse between these two religious groups accounted for thirty per cent of all books published by Catholics during the seventeenth century.⁹¹⁸ This can be of little surprise. There were several high profile conversions of Laudians to Roman Catholicism during this period, most notably a former member of the Tew circle, Hugh Cressy, along with Thomas Vane, Thomas Bayly, Stephen Goffe, Richard Mileson the Archdeacon of Suffolk and, most prominent of all, John Cosin, the only son of the Bishop of Durham.⁹¹⁹ Cressy's attack on the Church of England in his infamous *Exomologesis* was described by Hugh Trevor-Roper as a 'body-blow...to a reeling institution'.⁹²⁰ In *Legenda lignea* Edward Lee listed fifty-three well-known people who had converted from the Church of England to the Church of Rome and had 'violated and broken their oaths, vows and promises with God and man'.⁹²¹ By 1654 prominent Laudians were complaining about the lack of episcopal guidance for their group. Sir Robert Shirley bitterly noted that 'Anabaptists, Presbyterians and papists all have it' and warned that if leading Laudians did nothing 'the wisest part will become papists or Socinians and the more foolish Anabaptists or Atheists'.⁹²² Robert Bosher, in his study of Laudians during the Interregnum, identified three main groups of Laudians: loyal conformists, disaffected conformists and a High

⁹¹⁸ Clancy, 'Content Analysis', p. 263.

⁹¹⁹ R. Bosher, *The Making of the Restoration Settlement. The Influence of the Laudians 1649-1662* (London, 1951), pp.284-294.

⁹²⁰ H. Trevor-Roper, *Catholics, Anglicans and Puritans. Seventeenth Century Essays* (London, 1987), p.183.

⁹²¹ Lee, *Legenda lignea*, Epistle.

⁹²² Bosher, *Making of the Restoration Settlement*, pp.25-26.

Church party.⁹²³ It was the last that took up the gauntlet thrown down by Shirley and others who wanted more episcopal guidance. This group consisted of controversialists and theologians such as the Tew circle members Henry Hammond and Gilbert Sheldon, along with Peter Heylyn and William Sancroft, with the support of former bishops Brian Duppa and Mathew Wren. These Laudian controversialists debated with their Catholic counterparts, defending the Church of England from accusations of schism, accusing the Church of Rome of idolatry and denigrating the papal supremacy.⁹²⁴ Sheldon, in particular, defended the episcopacy of the Church of England from the attacks of Cressy, Bayly and Knott.⁹²⁵ John Bramhall, in his *A Just Vindication of the Church of England*, argued that it was Roman Catholics, not Protestants, who had separated from the court of Rome. The king and the kingdom, Bramhall suggested, were vindicated in ancient law, which gave them sufficient grounds to withdraw from Rome.⁹²⁶ Bramhall also found himself defending the Church of England from Presbyterian attacks on the authority and succession of Church of England bishops.⁹²⁷ Another Laudian controversialist, Thomas Smith, defended the Church of England in his translated version of Daille's *An Apology for the Reformed Churches*. Smith attacked Gallican principals amongst the English Catholic clergy by arguing that the Church of England could 'justly challenge, Gallican privileges', 'largely described in two vast tomes, and written by the appointment of Cardinal Richlieu, when he advised the king of France to set up a patriarch in opposition to the See of Rome... (if our succession was schism, what would that have been?)'.⁹²⁸ Smith also argued that the Old Testament

⁹²³ Ibid. p. 27-29.

⁹²⁴ H. Hammond, *The Disarmers Dexterities Examined In a Second Defence of the Treatise of Schism* (London, 1655).

J. Bramhall, *A Replication To The Bishop of Chalcedon His Survey of the Vindication of the Church of England from Crimincus Schism* (London, 1656).

⁹²⁵ Boshier, *Making of the Restoration Settlement*, p.36.

⁹²⁶ J. Bramhall, *A Just vindication of the Church of England from the unjust Aspersions of Criminal Schisme. Wherein The nature of Criminal Schism, the divers sorts of schismaticks, the liberties and privileges of National Churches, the rights of Sovereign Magistrates, the tyranny, extortion and Schism of the Roman Court, with the grievances, Complaints, and opposition of all Princes and States of the Roman Communion of old, and at this very day, are manifested to the view of the World* (London, 1654).

⁹²⁷ J. Bramhall, *The consecration and succession of Protestant Bishops justified. The Bishop of Duresme Vindicated. And that infamous Fable of the ordination at the Nagges head clearly refuted* (London, 1658). In 1650 Henry Hall had blamed the Catholics for Presbyterian attacks on Church of England bishops (Hall, *Digitus testium*, p.11).

⁹²⁸ J. Daille, *An Apology for the Reformed Churches. Wherein is showed the necessitie of their separation from the Church of Rome. Translated by T. Smith* (London, 1653), p.7.

acknowledged that kings and emperors could reform the Church and that Knott's arguments concerning papal infallibility in fact only showed probability.⁹²⁹ He also attacked Birchley's arguments in the *Christian Moderator*. Smith stated that Catholics were not as moderate or rational as Birchley had alleged, since Protestants suffered more in religiously hostile countries due to the Inquisition than Catholics did in similar circumstances.⁹³⁰

Laudian controversialists such as Peter Heylyn, although condemning papal supremacy, argued that it was better for a Church to have a head than none at all.⁹³¹ He argued that the Church of England was derived from the Roman Church, whilst still maintaining his loyalty towards Cromwell.⁹³² Laudians also, however, had to defend themselves from Presbyterian accusations of popery.⁹³³ When asked who he thought the Church of England's greatest enemy, the Laudian Bishop Duppa replied that although Jesuits and Presbyterians were 'united in malice' against the Church of England, it was the Presbyterians who were the greatest enemy as they sought to destroy the Church.⁹³⁴

Laudian response to religious controversy, especially in support of episcopacy (albeit for their own Church) and the prominence of Bishop Duppa (a man already considered by some members of the English Catholic community to be positively predisposed towards a possible reunion) gave Catholics alternative avenues to travel along apart from accommodation with the Protectorate, which had already shown itself hostage to foreign policy and domestic enemies.⁹³⁵ Not only did Catholics agitate for papal reintroduction of direct and local episcopal government over the English community, but they also attempted to exploit the apparent failure of the Cromwellian Church settlement. As can be seen above, Catholic controversialists were keen to show

⁹²⁹ Ibid. pp.8, 27.

⁹³⁰ Ibid. p.31.

⁹³¹ A. Milton, *Laudian and royalist Polemic in Seventeenth Century England: the career and writings of Peter Heylyn* (Manchester, 2007), p.159.

⁹³² Ibid. pp.160, 165.

⁹³³ H. de Quehen, 'Hammond, Henry (1605-1660)', *ODNB*.

⁹³⁴ Bosher, *Making of the Restoration Settlement*, p.47.

⁹³⁵ For further discussion of Brian Duppa and his links with Catholicism in the 1630s see Questier, *Catholicism and Community*, pp.492-6.

that episcopacy meant independence from the State. When put into the political context of 1655, this can be seen as a strategy to generate support from the Catholic community. For in January of that year Cromwell dismissed parliament by force and in August established the extremely unpopular rule of the Major Generals.

5.5. English Catholic discourse and the failure of the Cromwellian Church settlement.

When the first Protectorate Parliament met in September 1654, Cromwell had high hopes that his reform programme would be furthered by the support of sitting MPs. Instead the Presbyterian majority in parliament followed its own programme. It tried to amend the Instrument of Government, which some MPs felt limited parliament's power, making sure that the Army remained subordinate to Parliament and questioning limits of religious toleration. Cromwell's forcible dismissal of parliament in January 1655 was widely perceived as an abuse of his power. Then in March came the Penruddock Rising. The appointment of the Major Generals, who were in post from August 1655 to the end of January 1657, was a reaction to this royalist rebellion. They disarmed known royalists and put them under heavy scrutiny, monitoring their movements and imposing 'heavy security periods', to prevent further royalist plotting.⁹³⁶

Although there had been a visible military presence in England, especially in London, since the civil war, the Major Generals' regime was much more than military rule. They ejected wayward clergy and imposed strict religious and moral codes in order to establish a 'godly state'.⁹³⁷ The Major Generals tried to implement localised puritan rule, something that was highly unpopular. Socially and politically insignificant puritans were given local administrative authority.⁹³⁸ At the end of 1656 Prynne wrote that the Major Generals had usurped 'all the civil as well as military power and justification into their own hands'.⁹³⁹ Here the new regime seemed to be using centralising, arbitrary and unconstitutional power to impose its own moral and religious rules, no matter how

⁹³⁶ Durston, *Cromwell's major generals*, p.228.

⁹³⁷ Ibid. pp.230-231.

⁹³⁸ Ibid. p.232.

⁹³⁹ Ibid. p.231.

unrepresentative those were. Many felt that Cromwell had betrayed the ideologies behind the overthrow of Charles I and now posed a similar threat towards civil liberty. Men who had supported the overthrow of Charles I, such as Sexby, became vigorous critics of the Protectorate, Sexby defecting to the exiled Stuart court. There were also rumours during April and June 1657 that the duke of York was exploring the possibility of restoring the Stuart monarchy.⁹⁴⁰ From 1655 onwards there was also an increase in anti-Protectorate tracts such as John Wildman's *A Declaration... Against the Tyrant Oliver Cromwell* and the reprinting of the Laudian play *The Floating Island*, both in 1655.⁹⁴¹

The play, written by William Strode, was first published in 1636. It had been commissioned by Laud and performed in front of Charles I and Henrietta Maria during their visit to Oxford. The tragi-comedy poked fun at the king's puritan critics and stressed the virtues of monarchical authority.⁹⁴² The priest George Leyburn observed the performance, recounting that the king laughed heartily at the puritan characters' folly.⁹⁴³ In the second edition, published in 1655, those behind its reprinting gloated about its contemporary relevance. They wrote:

be pleased to consider this tragi-comedy was both written and presented above eighteen years since; and if now it seem (in language and plot) to fit these times, it must be by prophecy... 'Tis sufficient for its worth that the best liked it best; the rest (especially those great ones of the weaker sect) should claim no lawful judicature over it, since it was not written for them, though they thought themselves too severely dealt with, which yet was an inquiry to the author as well as his poem... It is not now inscribed to any for protection, but left dedicated (as it was by the author when it was first born) to the authors noble patron.⁹⁴⁴

The story fitted the political situation very well. The play concerns the plotting of three puritans, Malevolo, Melancholico and Irato, who plan to overthrow the king, Prudentius,

⁹⁴⁰ TNA, SP 78/113, ff.162, 200.

⁹⁴¹ Coward, *The Cromwellian Protectorate*, p. 54. Also see Jason Peacey's discussion of the pamphleteer Marchamont Nedham in his *Politicians and Pamphleteers. Propaganda During the English Civil Wars and Interregnum* (Aldershot, 2004), pp.291-292.

⁹⁴² For the political context of the publishing of the first edition of the play see Questier, *Catholicism and Community*, pp.190-2.

⁹⁴³ Ibid. p.191.

⁹⁴⁴ W. Strode, *The Floating Island: A Tragi-comedy, Acted before his Majesty at Oxford, Aug 29 1636. By the Students of Christ-Church* (London, 1655).

to create an elected monarchy. Sensing the plot, Prudentius hands his crown over to the puritans who then offer it to the character Phancy, who would become queen. At first Phancy declines the offer. The character of Liveby, a favourite, agrees with her that kings are born not made.⁹⁴⁵ Eventually Phancy concedes to the puritans' wishes and accepts the crown but her reign descends into chaos as she overrules established law and bids her subjects follow their own lusts. Disenchanted by the chaos their actions have caused Malevolo, Melancholico and Irato set up a suicide pact. Just as they are about to kill themselves, Intellectus Agens, the king's councillor (representing Laud) appears and stops them. Prudentius resumes his authority, order is restored and the kingdom is saved.⁹⁴⁶

Taking into account the puritan characters' disappointment with the realities of elected monarchy, it is easy to understand why the printers of *The Floating Island* thought it remained highly relevant. It is thought the character of Malevolo was based on Prynne: both had lost their ears as punishment for work they had published.⁹⁴⁷ The timing of the second edition of *Floating Island* could not have been better. Cromwell had just forced the dismissal of the first Protectorate Parliament in January. He had also begun to replace the regular Army with a militia, made up of his supporters, in preparation for the rule of the Major Generals in August.⁹⁴⁸

It is possible to see here a direct connection between growing Protestant disaffection with the Protectorate and tentative steps towards an alliance between English Catholics and pro-episcopal Protestant groups. Similar to Baxter's views on the Protectorate and the English Catholic community (he had always regarded Cromwell as a traitor and rebel)⁹⁴⁹ was Joshua Baidon's 1655 work 'The damnable opinions

⁹⁴⁵ Ibid. Act II, Scene IV.

⁹⁴⁶ Strobe, *Floating Island*.

⁹⁴⁷ B. Dobell (ed.), *The Political Works of William Strobe (1600-1645): Now first Collected from Manuscript and Printed Sources* (London, 1907), p.256.

⁹⁴⁸ Gardiner, *History of the Commonwealth*, III, pp.171-2. Although the exact month of the publication of *Floating Island* is uncertain, the copy of the 1655 edition of the play included in the British Library's Thomason Collection is annotated with the date June 22nd and therefore is too early to be a reaction to the implementation of the rule of the Major Generals which began in August. See Thomason E.844[8].

⁹⁴⁹ Ibid. p.326.

Blasphemies and Tenets both of Ancient and Modern Hereticks'. This purported to teach Catholics how to be good subjects whilst lamenting plurality of religion.⁹⁵⁰ Baildon based this tract on the work of the episcopalian Alexander Ross, a Laudian royalist clergyman and critic of Hobbes whose literary response to the Commonwealth was to see retirement as a 'legitimate response to political chaos'.⁹⁵¹ Although attention is given to sects, including Brownists, Barrowists, Socinians, Quakers, Ranters, Independents and Presbyterians, much more attention is paid in this book to Roman Catholics and explanations of their services, tenets and sacraments. Baildon went on to discuss differences between Protestants and Catholics, remonstrating that 'Some others make differences there are, and fewer there might be if men would be moderate on either side'.⁹⁵² He argued against the plurality of religion on the basis that it damaged the State, writing:

Religion (as is said before) is the foundation of states and kingdoms, therefore in one state or kingdom there ought to be but one religion, because there can be but one foundation, for one building cannot have many foundations. Religion is the band, and cord by which the unity of the state is preserved, if this band be broken into many pieces, how can it bind the affections of the people and preserve their unity either amongst themselves or with their princes and governors... Diversity in religions beget envy, malice, seditions, factions, rebellions, contempt of superiors, treacheries, innovations, disobedience and many more mischiefs which pull down the heavy judgements of God upon that state or kingdom where contrary religions are allowed, because whilst everyone strives to advance his own religion above the other all distempers now mentioned must needs follow.⁹⁵³

Baildon argued that toleration was possible if religious practice was undertaken privately, and on condition that men did not overthrow the fundamentals of faith or disturb the State. Those who professed different beliefs must be obedient to their superiors: Baildon listed all the erroneous opinions 'in religion have been received or hatched since fall of Church and Government'.⁹⁵⁴ Baildon used Germany and France as examples of countries where Catholics and Protestants lived peaceably side-by-side. He even stated that Turks were 'zealous' in their religion yet permitted worship by

⁹⁵⁰ 'The damnable opinions, Blasphemies and Tenets both of Ancient and Moderne Hereticks' (1655, though given a date of 1555), BL. Add MS 43767. I am grateful to Professor John Arnold for this reference.

⁹⁵¹ D. Allen, 'Ross, Alexander (1591-1654)', *ODNB*.

⁹⁵² 'The damnable opinions, Blasphemies and Tenets', p.152.

⁹⁵³ *Ibid.* p.155-156.

⁹⁵⁴ *Ibid.* pp.156, 159-160.

Christians, Jews, Persians and Ethiopians too.⁹⁵⁵ Baildon believed that religion should not be compelled as it just encouraged discontent against the State. He advised that 'Princes and magistrates must like wise ship masters, rather strike sail and cast anchor, then make shipwreck in a storm, and rather sail back with safety than virtue upon the rocks in the harbour with danger'.⁹⁵⁶ Baildon lamented at the end of his work:

These are some poisonous weeds which have (too much of late) infested our English garden I mean the Church, once admired (both at home and abroad) for the beauty of her doctrine and discipline and envied of none but ignorants, or men of perverse minds.⁹⁵⁷

The disappointment of pro-episcopal groups with Cromwell's Church settlement gave the English Catholics a political party with which to align themselves. It does seem that dissatisfaction towards both the Protectorate's religious and domestic policies ran parallel with campaigns for an established episcopacy, limited or otherwise from 1654 onwards. Baildon's religious leanings are unclear, but one can infer that since his work was based upon Alexander Ross's, he belonged to the Church of England. Baildon could argue against the plurality of sects *and* solicit support from the English Roman Catholic community. He proposed that English Catholics should be tolerated if they were not subversive to the State. Bosher identifies the mid 1650s as the 'high age' of 'Anglican theology and apologetic', which by 1655 had aligned itself with a royalist country party that stirred up rebellion.⁹⁵⁸ Charles II's break from the Scottish Presbyterians won further support for the party.⁹⁵⁹ It is therefore important to remember that in 1656 Archbishop Ussher's plan for a reduced episcopacy, a plan to unite Presbyterian and episcopal government, was published for the first time. By 1657 Laudian views of episcopacy and church ministry were regarded as orthodox Anglicanism.⁹⁶⁰

It is in the light of the discussion above that the work of the well-known priest Thomas White, alias Blacklo, needs to be re-evaluated and placed within political context. Blacklo's *Grounds of Obedience*, published in 1655 was, as discussed earlier,

⁹⁵⁵ Ibid. p.157.

⁹⁵⁶ Ibid. p.158.

⁹⁵⁷ Ibid. p.163.

⁹⁵⁸ Bosher, *Making of the Restoration Settlement*, pp.36, 40-1, 48.

⁹⁵⁹ Ibid. p.48.

⁹⁶⁰ Ibid. p.38.

an extremely pro-Cromwellian tract. It identified the Protectorate as a legitimate regime acting in the best interests of the people and justified the tyrannicide on grounds of a broken social contract between ruler and subjects.⁹⁶¹ As has been described, Blacklo's work met hostility from many members of the English chapter, particularly Walter Montagu and George Leyburn. His work caused wide divisions within the community. It also gave critics of Catholicism powerful arguments to use against them after the Restoration.⁹⁶²

But White's ideas and arguments were not new. As has been seen earlier on in this chapter, they derived from Elizabethan Catholic political theory. The work of Fitzherbert, whose *A Treatise* had been reprinted in 1652, is a significant example, as is Thomas Carre's *A Treatise of Subjection to the Powers*, published in 1651. His fellow Blackloist Henry Holden also published *The Analysis of Divine Faith*, espousing the virtues of a social contract.⁹⁶³ Why, then, did Blacklo's publication cause such frictions? The answer seems to be first, that his doctrine was more extreme than Holden's and second, that he published *Grounds of Obedience* at the wrong time. Even Holden's *The Analysis* had courted pro-episcopal groups and was presented as laying the groundwork for a reunion between the Church of England and Rome. White's work could not be seen in this way. Moreover, White's pro-Cromwellian ideas were, in 1655, out of step with the majority of Catholic controversial literature. If *Grounds of Obedience* had been published just two years earlier, it would not have elicited the negative reaction that it did in 1655. The year 1655 should no longer be considered the 'height' of Blackloism, as Beverly Southgate asserts, but rather the beginnings of its decline.⁹⁶⁴ The moment for coming out in support for Cromwell, in an attempt to align the Catholic community with republicanism, had passed. This was not the time, as Southgate argues, when Cromwell 'looked virtually invulnerable' but instead the start of a crisis for the Protectorate.⁹⁶⁵ White's work would better have suited the political situation of the early 1650s when the

⁹⁶¹ See T. White, *Grounds of Obedience*.

⁹⁶² See *Evangelium Armatum. A Speciman; or Short Collection of Several Doctrines and Positions destructive to our Government, both Civil and Ecclesiastical* (London, 1663), pp.54-57.

⁹⁶³ Holden, *The Analysis of Divine Faith*, pp.357, 372.

⁹⁶⁴ Southgate, 'Covetous of Truth', p.39.

⁹⁶⁵ Ibid.

ideals of republicanism were celebrated and integrated into Protectorate foreign policy, in particular during the Dutch wars, before the stark realities of a republican dream were felt at home.⁹⁶⁶

Holden wrote in support of Blacklo in the face of this fierce criticism. He argued that the condemnation of Blacklo's work was unjust since his doctrine was 'solid, sound and substantial', but even Holden distanced himself from parts of Blacklo's beliefs.⁹⁶⁷ Holden wrote that Blacklo's expressions and manners of speech were not common in 'our schools' and 'he hath several exotic and peculiar opinions which (be it spoken with due respect, though in opposition to so great a scholar and so learned a man) are much different from my sentiments'.⁹⁶⁸ The Blackloists were no longer as solid a group as they had been during the late 1640s and early 1650s. No wonder Leyburn wrote with great glee that priests such as Andrew Knightly, the vicar general in London, and Thomas Medcalf had refused consent for the publication of Blacklo's work in 1657.⁹⁶⁹

Tutino's assertion that Blacklo was supported by the papacy and the chapter, as their only link to Cromwell, is accurate to an extent.⁹⁷⁰ Certainly the papacy wanted to negotiate with Cromwell, even as late as 1658, and the chapter certainly did not want to burn any bridges or risk antagonising the State authorities whilst they might benefit from their contacts with the Protectorate. Indeed, Christopher Davenport's 1656 *Explanation of Roman Catholic Belief* was presented to the Lord Protector.⁹⁷¹ Yet the publishing of Catholic political tracts indicates that the English Catholic community were conscious of the changing mood and no longer wanted White's complete association with republicanism. Southgate's argument that Blacklo's work should not be understood as 'a naïve or suicidal political gesture' is therefore unsound.⁹⁷²

⁹⁶⁶ See Pincus, *Protestantism and Patriotism*.

⁹⁶⁷ H. Holden, *Doctor Holden's Letter to a Friend of His, Upon the Occasion of Mr Blacklow's submitting Writings to the See of Rome* (Douai, 1657).

⁹⁶⁸ Ibid.

⁹⁶⁹ G. Leyburn, *A Letter written by G.L. to Mr And. Knigh and Mr Tho Med* (Douai, 1657).

⁹⁷⁰ Tutino, *Thomas White and Blackloists*, pp.100-101.

⁹⁷¹ J. Dockery, *Christopher Davenport, Friar and Diplomat* (London, 1960), pp.102-3.

⁹⁷² Southgate, 'Covetous of Truth', p. 44. Also see Browne, 'Anglo-Irish Gallicanism', p.78.

5.6. Catholics' anticipation of the Restoration.

By 1658 Catholic works published in England were already beginning to anticipate a Stuart restoration. Some Catholic controversialists sought to show how Catholic episcopacy could complement monarchical authority. Thomas Carvell in his *Labyrinthus Cantuariensis*, published in 1658, concerning Archbishop Laud's disputes with Fisher, wrote that kings could not be deposed by papal authority and that the supreme government of the church was monarchical in nature. He also argued that countries should exist as two kingdoms, one spiritual and one temporal.⁹⁷³ Carvell used the example of the kings of France and Spain to support his argument.⁹⁷⁴ Carvell wrote of English Catholics' and Anglicans' loyalty to Charles II. He wrote '...the heat of the war being over, and many of the prelatique party (who, together with ourselves, did daily entertain a confidence of the happy return and restoration of our gracious sovereign King Charles the second)'. Carvell continued:

This is certain, Roman Catholics alone can glory in this, that whereas in these late unhappy times, some of all other religions in England, opposed either his sacred Majesty that now is, or his royal father, they only have been, all and ever faithful to them both: thereby showing, that the doctrine of allegiance to their lawful sovereign in necessary part of their belief.⁹⁷⁵

In the same year *The Politicians Catechism* was published, under the initials NN (probably written by Peter Talbot although it has also been attributed to Nicholas French and others). *Politicians Catechism* argued that Protestantism and sects had inclined 'Princes to tyranny, and subjects to rebellion', because they had opened up 'a wide gap for plain Atheism', and both Atheists and Protestants 'do agree in rebellion against God, and in being refractory against supreme authority'.⁹⁷⁶ The author wrote:

He that rebels against the king's lieutenant, will soon declare against himself; and this is the reason we see so many Protestants become atheists... As rebellions grow to a height of degrees, first they point at evil counsellors, then at the favourite, at length at the king's person, so atheism professeth mens minds, first by vice, then by Protestantcy, and at last by no religion.⁹⁷⁷

⁹⁷³ T. Carvell, *Labyrinthus Cantuariensis: or Doctor Lawds Labyrinth* (Paris, 1658), pp.219, 222-4.

⁹⁷⁴ Ibid. p.224.

⁹⁷⁵ Ibid. To the Reader.

⁹⁷⁶ N.N. *The Politicians Catechism for His Instruction in Divine Faith, and Morall Honesty* (Antwerp, 1658), To the Reader, and pp.124-5.

⁹⁷⁷ Ibid. p.125.

Protestantism was worse than atheism; ‘an atheist expects not any invisible power or providence to support him because he believeth none: a Protestant persuades himself that God will second his zeal for the Gospel and [so] is more resolute and denying’. The author’s approach to the reader at the beginning of the book sets the tone. It reads:

time hath kept the name, and changed the notion of a politician, as it has a tyrant, which anciently signified a king, without that odious character it puts us now in mind of. In these our days, when we hear a politician named in any language, we represent to ourselves a man so ignorant, that he knows no other God, nor good, but his own interest.⁹⁷⁸

The author argued obedience to authority was the teaching of the Church of Rome, and pointed to Hobbes’ *Leviathan* as the highest expression of Protestantism.⁹⁷⁹ Although the argument that Atheism and Protestantism were close was a standard polemical tool during the sixteenth and seventeenth century, the publication of Talbot’s work was significant. Since 1655, he had made a strong alliance with Edward Sexby, a republican ‘dissident’. He now solicited the support of republicans who had become disillusioned with the Protectorate to join the exiled Stuart court and to overthrow Cromwell.⁹⁸⁰ It is in this context that his work should be read and understood.

The year 1659 also saw the reprinting of Birchley’s *Catholique Plea*, in an edition identical to the 1653 version. This publication seems totally out of step with other Catholic publications, quoting as it did Hobbes to prove that Catholics were loyal and worthy subjects. As suggested above, Birchley’s work was to prove a thorn in the side of the English Catholic community when it sought toleration from the restored Stuart regime.

5.7. Conclusion.

This review of English Catholic literature during the Interregnum refutes Tavard’s claims, as well as the views of historians who see the English Catholic community during the 1650s as a dying, irrelevant sect. Roman Catholic controversialists’ ability to integrate themselves into national political and religious

⁹⁷⁸ Ibid. To the Reader.

⁹⁷⁹ Ibid. pp.127-8.

⁹⁸⁰ Clavin, ‘Peter Talbot’; also see Chapter 4.

debate is evident, as is their tactical flexibility in attempting to establish common cause with pro-episcopal Presbyterians. But such an alliance could never be achieved. Too much doctrinal difference existed between Roman Catholics and pro-episcopal Presbyterians and there was little likelihood in practice of a reunion between the Church of Rome and the Church of England (if there ever was a chance for such an endeavour, it had passed by in the 1630s). There was also the general dislike of Jesuits with which to contend. Both Baxter and the supporters of the Worcestershire petition were not willing to include any sort of ‘Spanish Popery’. Much was written about the link between the English Jesuits and the equally despised Quakers. A belief remained that Jesuits, under the guise of Quakers (and in some cases Seekers), were planning to bring down the country, by ‘venting all manner of extravagant opinions among the ignorant and simple’.⁹⁸¹ The Regicides and the Levellers had also been described as Jesuits in the 1650s newssheet *Mercurius Politicus*. Presbyterians had been accused of having ‘little difference in politics’ with papists.⁹⁸² As we have seen, Catholic controversialists saw these accusations as blows below the belt, since it was the very structural failure of the Church of England that had encouraged sectarian activity on such a widespread scale.

Nevertheless, the separation between the ‘Presbyterian’ and ‘Independent’ positions on Church governance created space for the expression of Catholic political and ecclesiastical opinion on exactly the same issue. As was seen in the previous chapter, despite the extensive royalism of some Romanists during the civil war, the English Catholic community stood to gain more from the Commonwealth and Protectorate than they had from the monarchy. This was particularly true because no consensus had been reached for a national Church structure that would enforce conformity or uniformity of worship. At the same time, toleration from the Commonwealth and Protectorate regimes seemed almost in reach, as the issue was part of Cromwell’s diplomatic negotiations with the continental powers. The English

⁹⁸¹ R. Vaughan, *Protectorate of Oliver Cromwell and the State of Europe during the early part of the reign of Louis XIV*, illustrated in a series of the Letters between Dr J Pell, Sir S Morland, Sir W Lockeart, Mr secretary Thurloe and other distinguished men. Now first published by RV ... with an introduction on the Character of Cromwell, and of his times (London, 1838), pp.309-10. Also see W. Prynne, *The Quakers Unmasked* (London, 1655); T. Smith, *A Gagg for the Quakers* (London, 1659).

⁹⁸² I. Thackray, ‘Zion Undermined: The Protestant Belief in a Popish Plot during the English Interregnum’ *History Workshop*, 18 (1984), pp.28-52, at pp.31-32.

Catholics had been placed in this position before. During the 1560s Queen Elizabeth and some of her councillors had intimated that Catholics might ultimately achieve some of their ecclesiastical programme partly in order to maintain good relations with France and Spain.

As has been demonstrated, Blackloism formed just one part of English Catholic political thought during the Interregnum. By removing White and his fellow Blackloists' work from the political context in which they were written, a conclusion can be reached about the political attitudes and capabilities of the community as a whole which is totally unrepresentative and actively misleading. The English Catholic community's survival depended on their ability to adapt to the domestic political situation and the foreign policies of the Commonwealth and Protectorate.

6. The Restoration

The factional disputes that had plagued the English Catholic community since the beginning of the mission in England continued at the Restoration and seriously hindered the community's efforts to secure a bishop and the repeal of the penal laws against them. This infighting, coupled with the ineffectiveness of the papacy, the hesitancy of Charles II and the conflict between Edward Hyde, the earl of Clarendon and George Digby, the earl of Bristol, meant that the Catholics stood little chance of achieving their aims. This chapter shows that divisions within the Catholic community continued beyond the Interregnum and that these divisions contributed significantly to the failure of Catholic campaigns for toleration.

Much has been written about the chapter's campaign for a bishop at the Restoration and Charles II's failure to grant toleration to the English Catholics immediately after his reinstatement. Current explanations for the Catholics' lack of success, however, are unsatisfactory. This is partly because the conflicts amongst the Catholic clergy and the circumstances of consecutive, and at times competitive, pleas for toleration to the king and the House of Lords have been understood only in isolation. But it is also because factional conflicts have been interpreted through confessionalised contemporary polemical writings and correspondence, with little account given to the motivation behind such conflicting versions of events. Mainstream historical narratives place the main emphasis of the failure of formal toleration on the deeply antagonistic relationship between Hyde and Digby, who were both competing for the king's favour.⁹⁸³ Catholic secondary accounts of the negotiations between the English Catholic community and the House of Lords in 1661 place the failure to reach a settlement firmly at the Jesuits' door. The Jesuits (long perceived as a treasonable popish army) were unable to accept any of the proposed conditions for toleration or forms of oaths of allegiance and so prevented the English Catholics from securing official toleration from

⁹⁸³ R. Hutton, *The Restoration: a political and religious history of England and Wales 1658-1667* (Oxford, 1993); P. Seaward, *The Cavalier Parliament and the Reconstruction of the old regime, 1661-1667* (Cambridge, 1989).

Charles II.⁹⁸⁴ Malcolm Hay's study, *The Jesuits and the Popish Plot*, readdressed this version of events within confessional history. Hay based his argument on Patrick Con's correspondence. Con was one of Queen Catherine's almoners and his letters enabled an understanding of the role Louis Stuart, tenth sieur d'Aubigny, played in toleration proceedings. Hay, however, was biased towards the Jesuits' cause and misrepresented the politics of the English chapter.⁹⁸⁵ The Jesuits, Hay believed, had been made scapegoats by the selfish Blackloist chapter who were trying to manipulate proceedings so they could gain full authority over the Catholic community.

More recent research into the community at the Restoration has looked at the dispute between George Leyburn and the chapter that began in response to Blacklo's publications.⁹⁸⁶ T.A Birrell traced the growth of the dispute during the Interregnum to a peak in the late 1660s, culminating in Leyburn's resignation in 1669.⁹⁸⁷ This dispute, Birrell argued, underpinned Catholic inability to gain toleration from a well disposed king. He made little attempt, however, to place the dispute within the wider context of the community or the political circumstances surrounding the Restoration and the religious debates that followed, and only touched upon the Jesuits' refusal to accept proposals for an oath of allegiance

These differing versions of the historiography of English Catholicism at the Restoration have meant variously that: the chapter has been understood as the spawn of Blackloism; the Jesuits were held singly responsible for the breakdown of toleration negotiations of the early 1660s; and George Leyburn was viewed as a loony maverick, dancing to his own tune, who became the most hated man in the English Catholic community in the seventeenth century. In order to address these historiographical misconceptions it is necessary to correlate information from the correspondence of secular and regular clergy, the Stuart court and mainstream political sources. This chapter puts the politics of the Stuart court, the papacy and the English chapter

⁹⁸⁴ M. Hay, *The Jesuits and the Popish Plot* (London, 1934).

⁹⁸⁵ Ibid. pp.57-94.

⁹⁸⁶ This has been discussed in chapter 4.

⁹⁸⁷ T.A. Birrell, 'English Catholics without a Bishop'.

(including the factions within it) into the context of events on the eve of the Restoration, before focusing on the negotiations for toleration during the early years of Charles II's reign and the factional disputes that enveloped English Catholicism. First, it explores Catholic perceptions of the process that resulted in Charles II's restoration. Second, it examines the problems these circumstances posed for Catholic relations with Rome, problems further complicated by English Catholic sectarianism. Third, it looks at Catholic attempts to secure toleration after the Restoration. Fourth, it explores the impact of Clarendon and Bristol's dispute on English Catholics. The chapter ends by discussing the opportunities lost to the English Catholics as a result of the failure to procure d'Aubigny a cardinal's hat.

6.1. The Catholic secular chapter's perceptions at the end of the Protectorate.

In July 1658 Cardinal de Retz wrote to Cardinal Barberini, the former papal protector of English Catholics, informing him of the commands he had received from Charles Stuart concerning the English Roman Catholic community.⁹⁸⁸ These seemed a direct approach to de Retz to petition the pope on Charles's behalf for assistance in his restoration. The future king affirmed his treaty with Spain and declared his intention that, if restored, he wanted nothing more than liberty of conscience within his kingdom. His re-establishment would be to the great advantage of the Catholic religion.

Cardinal de Retz evidently thought this a worthwhile policy, urging Charles to support the English Catholics because they were polar opposites of the puritans and Independents who held 'no good intentions' towards him. The cardinal's royalist enthusiasm was no doubt largely due to the fact that he was strongly opposed to Mazarin who, as has been discussed, had thrown his lot in with Cromwell four years earlier. It was also a chance, de Retz argued, to take advantage of the European situation. De Retz looked to Frederick William 'The Great Elector' as a possible ally in leading Charles II back to England. Frederick William had begun to wield considerable power in Europe was renowned for his military and political prowess. He was strongly against the interests of France and Sweden after their failed invasion of his territory, and

⁹⁸⁸ CISP, 58, ff.133-7 (Cardinal de Retz to Cardinal Barberini, July 1658).

consequently against Cromwell.⁹⁸⁹ Cardinal de Retz also argued that Cromwell's domestic position was unstable, alleging that the exiled claimant to the throne had almost been restored 'two or three times this year already'.⁹⁹⁰ Rome should seize this opportunity, the Cardinal argued, to get behind Charles Stuart before Cromwell died or was deposed. Such events would allow Charles to be restored without Catholic intervention (European or otherwise), leaving him without obligations towards Roman Catholics.⁹⁹¹

Rumours of domestic political problems for the Protectorate were evidently circulating. Oliver Cromwell had dissolved the second Protectorate Parliament in February 1658 after republican MPs questioned the legitimacy of the 'other house'. This enraged Cromwell who had been plagued throughout the Protectorate by what he perceived as consecutive parliaments' failure to install his vision of a religiously unified republic. On dissolving parliament he stated ominously, 'Let God be judge between you and me'.⁹⁹² In his letter Cardinal de Retz warned that Spain's weakness might cause the exiled future monarch to look elsewhere for support, most likely towards the Protestants. This might have dire consequences for English Catholics; both cardinals must encourage the pope to deal with Charles to ensure liberty of conscience on his restoration. Charles was still soliciting support from Rome by using the English Catholics as a bargaining tool to restore him to the throne. As demonstrated in earlier chapters, this was a long-term Stuart policy.

It was not only Cardinal de Retz who was ready to help Charles in return for assurances of future toleration. From 1656 Abbess Knatchbull of the English Benedictine cloister at Ghent had arranged credit for the exiled Stuart court and established a correspondence network relaying mail from England to Charles and his courtiers.⁹⁹³ This network was of great importance from 1658 onwards as the royalist

⁹⁸⁹ See C. Clark, *Iron Kingdom: The Rise and Downfall of Prussia, 1600-1947* (London, 2007), pp.38-66.

⁹⁹⁰ CISP, 58, ff.133-7.

⁹⁹¹ Ibid.

⁹⁹² Smith, *The Double Crown*, p.192.

⁹⁹³ C. Walker, 'Prayer, Patronage and Political Conspiracy: English Nuns and the Restoration', *Historical Journal*, 43, (2000), pp.1-23.

plotters and Hyde became increasingly reliant upon it.⁹⁹⁴ Knatchbull's hope that her help would encourage Charles to allow liberty of conscience on his restoration was later conveyed in her correspondence with Hyde.

On 3rd September 1658 Cromwell died at Whitehall after a short illness. Richard, his son, was made the second Protector. Further political discontent followed. Faced with an annual deficit of over £500,000 and Army arrears of £890,000, Richard was forced to call his first parliament, the Protectorate's third, in January 1659.⁹⁹⁵ The republicans within parliament refused to acknowledge Richard as Protector and called for the repeal of the Humble Petition and Advice. Further, parliament angered the Army by voting for the limitation of its political involvement and its potential conversion into a militia, whilst also enforcing additional restrictions on religious tolerance. The Army persuaded Cromwell to dissolve the parliament and, in the form of the general council, recalled the Rump which reassembled on 7th May 1659, having not been seen since its dissolution in April 1653. The Rump, however, failed to follow the Army's manifesto, electing a new Council of State and demanding Richard's resignation on the 24th May 1659. It then re-established the Commonwealth.

Hyde's correspondence during this time is telling. In the midst of the political confusion the English Catholics fell silent. Hyde wrote a letter to one of his correspondents, Cooper, at the beginning of May to complain that neither he nor the exiled Stuart court had much, or indeed any, contact with English Catholics; 'we have less correspondence with them and receive less fruit from their affection, than you can imagine'.⁹⁹⁶ Matters had not been improved by the death of Father Wilford, the Catholic priest who corresponded with Hyde. The priest recommended to replace Wilford by Marmaduke Langdale was Robert Rookwood, who did not keep Hyde informed and whom Hyde did not trust.⁹⁹⁷ Rookwood's decision to undertake this role had apparently

⁹⁹⁴ Ibid. pp.2, 10.

⁹⁹⁵ Smith, *The Double Crown*, p.193.

⁹⁹⁶ CISP, 60, ff.427-8 (Hyde to Cooper, 23rd April/4th May 1659).

⁹⁹⁷ See OBA, II, pt. 1. Letters of Francis Gage mostly to John Holland, no.32 (Francis Gage to John Holland, 6/16th June 1659). It is not clear whether Hyde refers to Robert Rookwood, a secular, or Robert Rookwood, a Carthusian, although it seems more likely it was the former rather than the latter.

caused much opposition within his order, members of which spread the rumour that Rookwood was an apostate.⁹⁹⁸ Indeed some of the clergy disliked any priest corresponding with the chancellor. Francis Gage, the English chapter's agent in Rome during this time, on hearing of Wilford's death, asked God to forgive him for his correspondence with Hyde and described such a position as 'an employment so ill becoming a religious person, that it having been first desired to have been undertaken by the Jesuits, their General absolutely forbid them to undertake it'.⁹⁹⁹ This is noteworthy since, just a year later in 1660, Hyde twice signalled his support for the chapter's petitioning for a bishop on the grounds that the chosen priest would be loyal to the king.¹⁰⁰⁰ Perhaps it was exactly this point that inspired Gage's disdain. The need for Catholics to prove their loyalty to Charles II in order to secure toleration meant they had to adopt an uncomfortably positive attitude to Blackloism.¹⁰⁰¹ In 1659 Hyde also discussed information he had received about an 'intrigue now driving the Catholics'. Hyde believed that many of them held mischievous intentions towards the king, especially priests 'who are not governed by the Jesuits' and therefore could not be trusted, as shown by those willing to negotiate with Cromwell to the exclusion of Charles II. When Abbess Knatchbull wrote to Hyde with news from England in September 1659, she informed him that the Rump treated the Catholics with more favour, even offering a 'toleration of conscience and all other privileges as the surest means in this conjuncture to keep the quiet at home and to persuade the Catholics both princes and chiefs abroad to confer with a government which is like to prove so advantageous to the Church'.¹⁰⁰² If this were true (which seems most unlikely) it would advance the chapter's attempt to secure a bishop from Rome to the disadvantage of the exiled court. As has been demonstrated in previous chapters, factions within the English Catholic community were willing to make deals and sacrifices with anyone who would favour them. Dealing with the Rump would not have been completely out of character. The Abbess continued her letter with the hope that 'his majesty's entire endeavours and

⁹⁹⁸ CISP, 60, ff.427-8.

⁹⁹⁹ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, nos. 32, 35 (Francis Gage to John Holland, 6/16th June and 21st June 1659).

¹⁰⁰⁰ Miller, *Popery and Politics*, p.95.

¹⁰⁰¹ This will be discussed in further depth below.

¹⁰⁰² CISP, 64, ff.183-4 (Abbess Knutchbull to Hyde, 6th/16th September 1659).

the wisdom of his council will I hope permit them in this policy of theirs, by true piety and a lovely cooperation with God Almighty his designs in restoring him to his kingdom'. She seemed to use the Rump's favouring of the Catholics to encourage a declaration of support from the exiled court.

If there was actually any favourable treatment from the Rump, it had little effect on royalist and Catholic attitudes. Charles Stuart received a letter in early May 1659 from Lords Mordaunt, Willoughby, Newport and Carleton assuring the king of their support for a future restoration. The Lords asserted that they were ready for the king to come and remove the Rump Parliament and claimed that many Catholics were fixed to serve the king.¹⁰⁰³ Two months later correspondent Brodrick wrote to Hyde that Oliver Cromwell's death allowed the opportunity for peace between France and Spain which, Brodrick claimed, would 'allow all the councils of Christendom, they plainly discern and look on it as a design' to advance monarchy and the Roman religion.¹⁰⁰⁴ Some royalists, then, saw the restoration of the Stuart Crown as a part of a European peace policy. The unity of the two main Catholic monarchical powers would benefit the royalists one way or another. This placed the predicament of the English Catholic community back in the limelight once again. Brodrick felt that circumstances were finally beginning to favour the Cavaliers.

Just over a week after Brodrick's letter was written, a pro-royalist Presbyterian uprising, led by Sir George Booth, took place in Cheshire and Lancashire. It was easily defeated by the Army. Hyde's correspondence contains a list of prisoners taken in the town of Stafford who had participated in the rising. Listed were those identified either as Cavaliers or papists, including a mayor, a JP and Mr Cotton, a Jesuit priest. All named prisoners were considered 'dangerous and disaffected persons' to the present Parliament.¹⁰⁰⁵ Although the rising had been easily put down, it showed the level of disaffection towards the Rump Parliament. This disaffection grew, especially in the

¹⁰⁰³ CISP, 60, ff.500-1 (Mordaunt, Lord Willoughby and Newport and Carleton to the king).

¹⁰⁰⁴ CISP, 61, f.370 (Broderick to Hyde, 1st July 1659).

¹⁰⁰⁵ CISP, 62, ff.222-3 (List of prisoners in Stafford taken and secured by Captain Reeter Backhouse, August 1659).

Army, when the Rump declared all acts and ordinances instituted since its dissolution by Cromwell in April 1653 illegal, and attempted to purge its critics from local government and the Army. Military radicals, led by John Lambert, forcibly dissolved the Rump on 13th October 1659. This in turn aroused widespread condemnation. General George Monck, leader of the Army in Scotland, called for the Rump's reinstatement.

News of the events soon reached Hyde. Bramble, his correspondent, claimed that John Lambert's 'game' was beginning to get desperate, since the king might attempt his own restoration whilst the political climate was so confused.¹⁰⁰⁶ News was circulating in England, Bramble reported, that Charles had reached an agreement on religious toleration for English Catholics with the now pacified French and Spanish crowns. '[C]ertain churches in or near several great towns' would be assigned as Catholic to guarantee this future toleration.¹⁰⁰⁷ Bramble also alleged that John Lambert wanted to persuade Charles Fleetwood, commander-in-chief of the Army, to reinstate Richard Cromwell in the protectorship and, in an attempt to restore political order but keep the Army's autonomy had approached the Anabaptists and fifth monarchy men for their assistance to then 'pull down Cromwell' if such an occasion arose.¹⁰⁰⁸ In this endeavour Bramble believed the English Catholics were Lambert's 'surest friends'.¹⁰⁰⁹ By late October, when this newsletter was written, both Lambert and Fleetwood had become extremely influential after the dissolution of the Rump, Fleetwood as Commander-in-chief and Lambert sitting on the Committee of Safety, the replacement for the Council of State, which was in effect running the country. There is little proof, however, of serious plans to reinstate Richard as Protector. There were rumours that he was being temporarily held at Hampton Court as a prelude to reinstatement, but it is more realistic to accept that Richard retired to Hursley and remained there until travelling abroad after the Restoration.¹⁰¹⁰

¹⁰⁰⁶ CISP, 66, ff.74-5 (R. Bramble to Hyde, 28th October 1659).

¹⁰⁰⁷ Ibid.

¹⁰⁰⁸ Ibid.

¹⁰⁰⁹ Ibid.

¹⁰¹⁰ P. Gaunt, 'Richard Cromwell (1626-1712)', *ODNB*.

By December everything seemed to be falling apart. There was popular disaffection towards the Army, tax strikes and a blockade of the Thames, which was stopping the supply of coal. The Rump Parliament was reinstated on 26th December 1659 by three Army regiments in London, spurred on and by Monck whose Army had marched from Scotland and nearly reached the capital. Hyde now hoped, but thought it unlikely, that there would be a Catholic intervention to the ‘great prosperity of the Rump’.¹⁰¹¹ Its reinstatement, he feared, would hinder the king’s restoration. Nevertheless, due to the overwhelming pressure to reform the political process and call ‘free elections’, and with Monck’s support, the Long Parliament (the Rump plus those MPs purged in 1648 by Colonel Thomas Pride) voted to dissolve itself and provided the opportunity for Charles II to issue the Declaration of Breda in April 1660. The Declaration of Breda was designed to undercut any opposition to Charles’s restoration. It promised a constitutional monarchy with liberty of conscience for subjects whilst adhering to the rule of law. Free elections followed which returned a largely pro-royalist government, the Convention Parliament, which voted for the restoration of Charles II. The king landed at Dover on 25th May 1660.

6.2. English Catholic reactions to the Restoration.

Whilst these political events unfolded, the English chapter were preoccupied with their own endeavours to secure a bishop from the papacy. As has been shown, the English chapter had continually petitioned for a bishop since Smith’s death in 1655, but Oliver Cromwell’s death profoundly altered the situation. As seen above, the Restoration, although a possibility, seemed far from inevitable in 1659, although the English chapter were keen to portray it as such in order to advantage their campaign in Rome. But using the prospect of a restoration meant input from the exiled court, which indeed occurred throughout summer 1659.

News of the chapter’s plans soon circulated around the Stuart court. Clement wrote to Hyde informing him of the campaign for a bishop:

¹⁰¹¹ CISP, 68, f.136 (Hyde to Hannock, 12th/23rd January 1660).

Dr Gage has already begun to negotiate and endeavour to make the court to believe that this parliament has made fair promises to Catholics and it is here reported I believe (by him) that one Winter Grant [George Leyburn] is to come over about it, and that Lord Bristol is expected here: I am fully of the opinion no resolution ... [has been taken] as yet, so that you may have time to get the nuncio to cross it.¹⁰¹²

Francis Gage, the chapter agent sent to Rome to petition the papacy for a bishop, relayed to John Sergeant, secretary of the chapter in England, in June 1659, that the court of Rome had been told that ‘the king of Scotland in Flanders hath expressed a dislike of our having a bishop’.¹⁰¹³ Gage did not believe this, instead choosing to believe that it was a case of dirty tricks in Rome by the chapter’s enemies, namely the Jesuits, who were against the idea of electing a bishop.

This proved to be wishful thinking. Later in September Gage reported that he had been informed that Charles II had indeed written to the pope to request papal refusal of the English chapter’s request for a bishop on the grounds that to do so might ‘prejudice’ his affairs in England.¹⁰¹⁴ Any speculation, however slight, that a Catholic bishop would be installed in England, would cause an anti-Catholic backlash, stimulating popish plot fears, which would greatly damage the possibilities of Charles’s restoration. Charles was now very careful not to be seen to be emulating his father’s sins. The papacy was of the same mind and did not wish to commit itself before matters were settled in England. They repeatedly rebuffed Gage’s and the chapter’s pleas. The papacy advised Gage that he should not seek an audience with the pope until he knew how affairs in England were changing and how this might affect the chapter’s plans.¹⁰¹⁵ It continued to fob him off well into December 1659. He was told in February 1660 that the English chapter ‘were ridiculous people to think this was a time to determine anything of that nature’.¹⁰¹⁶ To press such business, Gage was warned, risked ruining the English Catholics altogether.

¹⁰¹² CISP 62, ff.38-40 (Clement to Hyde, 9th/19th July 1659).

¹⁰¹³ OBA, II, pt.1, no.32.

¹⁰¹⁴ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, no. 39 (Francis Gage to John Holland, 1st September 1659).

¹⁰¹⁵ OBA, II, pt.1, no.32.

¹⁰¹⁶ AAW, A xxxii, no.10 (Gage to Sig. Carlo, 17th February 1660).

These might only have been temporary problems for the chapter, but the major issue weakening requests for a Catholic bishop was the factionalism that had existed within English Catholicism since the beginning of the mission. Tension had increased when some Catholics adopted Gallican principles. As has been discussed in previous chapters, the priest George Leyburn, royalist Francophile and president of the college of Douai, was one of the Blackloists' greatest critics, denouncing their anti-papal doctrines as religious novelties. The Blackloists were just as hostile to Leyburn, defaming his character in published pamphlets. There had been attempts to end the controversy during the 1650s but the dispute raged on after the Restoration. Leyburn's resentment of the Blackloists' Gallican policies and his (mistaken) accusations that the chapter was heavily Blackloist meant that he refused to support their campaign for a bishop. As a result, he found himself alienated from the majority of the chapter at the Restoration.

The simultaneous possibilities of the restoration of Charles II and the Catholic campaign for a bishop placed the chapter in a very delicate situation. The clergy needed to prove that they would be loyal to a restored king and so the Blackloists' position – curtailing papal power and pledging full allegiance to a temporal power – was very attractive. Adopting these policies would be extremely beneficial in stabilising the chapter's position in England. Using Blackloist principles to gain advantage at home, however, ruined their chance of securing a bishop from Rome. The papacy was worried that if the English were granted a bishop the chapter would soon break from Rome and become entirely self-governing. Any hope of re-establishing Roman Catholicism in England would be lost, with significant implications for the pope's European power.

The quandary was particularly difficult for members of the English chapter who disliked Blackloism but saw it as their best chance to achieve toleration, as Francis Gage explained to John Holland in July 1659. In the same letter, ironically, he wrote that Leyburn was also charged with Blackloism, as were other members of the chapter. Gage wrote 'Somebody hath already cast a slur both upon Mr Leyburn and myself as being abettors of Mr Blacklo's doctrine, whereof Mr Hart took notice; but alas how

undeservedly the world knows'.¹⁰¹⁷ A month later Gage reported to the chapter that Blacklo's doctrines were hampering his efforts to obtain a bishop. In response to criticism over Blacklo, Gage replied that his writings had been submitted to the See Apostolic and that this case showed the need for the English chapter 'of having a power to contain and keep in order such exorbitant spirits'.¹⁰¹⁸ A year later, Gage noted the difficulties posed by the accusations of Blackloism. Relaying the news that White's work *Obedience and Government* had been translated into Italian and given to the Inquisition to censure, Gage warned that he feared:

the censure of it at present would not have the effect they [the papacy] expected, which was to please the king: who might have liked the censure of it at its first coming forth, when it seemed to favour Cromwell but the case being now altered, to the doctrine thereof being now as much to the king's advantage, as it was then prejudicial to him, he might imagine the censure of it to come a countertemps.¹⁰¹⁹

Mr Hart, mentioned in the first of Gage's letters, was the English Jesuit priest William Hargrave, resident in the Venerable English College in Rome; the Jesuits would soon become Leyburn's greatest allies. They had equal reasons to fear the Blackloist faction. Robert Pugh, the author of *Blacklo's Cabal*, played an important role in this alliance. Pugh was a priest who had been dismissed by the Jesuits for his military involvement in the king's army during the civil war, but remained strongly attached to the group. He is also thought to have been a tutor to Henry, duke of Gloucester, when in exile.¹⁰²⁰ Pugh entered into a pamphlet war with Blacklo, publishing *De Anglicani cleri retinenda in apostolicam* in 1659. He criticised the Blackloists' attitude to the regular clergy, their views on the infallibility of the pope and their passive obedience to civil government. The pamphlet neatly coincided not only with Leyburn's war of words with Blacklo and the chapter, but also with the chapter's campaign for a bishop. As news of Pugh's pamphlet reached Rome, Gage reported that it was scandalous to the English clergy 'but so larded with sycophancy and flattery of this court, that it will be hard to

¹⁰¹⁷ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, no.34 (Gage to John Holland, 7th July 1659).

¹⁰¹⁸ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, no. 38 (Gage to Holland, 11th August 1659).

¹⁰¹⁹ AAW, A xxxii, no.20 (Gage to unidentified, 3rd August 1660).

¹⁰²⁰ R. Anderson, 'Robert Pugh (c. 1610-1679)', *ODNB*.

procure their dislike of it'.¹⁰²¹ Gage thought that Pugh's motivation in publishing the book was to enable him to 'close again with the Jesuits and by their means to be preferred to some degree of superior amongst us'. Pugh's 'railing against the chapter' had only injured 'those renowned persons that have been Deans and officers of it, amongst which his so much-advised Dr Leyburn was one'.¹⁰²² Gage again wrote bitterly in November 1660 that Pugh was 'a fit squire for such a champion', a reference to Leyburn. Indeed the posthumous publishing of Pugh's *Blacklo's Cabal*, documenting the Blackloists' offences against the chapter, Rome, the regular clergy and Charles I, served Leyburn well. It also sought to re-establish Leyburn as the defender of English Catholics against 'Mr Blacklo's spirit (which is crept into this family)'.¹⁰²³

Examples of similar anti-Blackloist, pro-Jesuit sentiments can be seen in other printed material from this time, most notably in the pamphlet *A letter from a gentleman to his friend in London* published in 1660. The author, T.R, argued Blacklo's work was against spiritual and temporal magistrates, making it 'odious to all honest men'. The Blackloists should therefore be punished.¹⁰²⁴ The author enthused that Jesuits were well respected by many men throughout the world, including princes, prelates, doctors and preachers.¹⁰²⁵ Both the regular and secular clergy, the pamphlet stated, detested Blackloism.¹⁰²⁶

It was not just Blacklo's assault on the doctrine of papal infallibility that angered the Jesuits. The Blackloists had also sought to oust the regulars from England through their negotiations with the Independents in 1647. Holden's instructions to Sir Kenelm Digby in *Blacklo's Cabal* outlined why the Blackloists championed the independence of English Catholic bishops from Rome. All regulars, Holden argued, 'pretend to be

¹⁰²¹ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, no. 35 (Gage to Holland, 21st July 1659).

¹⁰²² Ibid.

¹⁰²³ *Blacklo's Cabal*, pp.110-111.

¹⁰²⁴ T. R. *A letter from a gentleman to his friend in London in confutation of the scurrilous libel of an anonymous Blackloist, against the Reverend and learned Doctor P. R. upon the occasion of his Latin epistle of the clergy's obedience to the See Apostolic* (London, 1660), p.20.

¹⁰²⁵ Ibid. p.10.

¹⁰²⁶ Ibid. p.19.

exempted by the pope from all ordinary episcopal power and jurisdiction and to be immediately subject to the pope, or the general of their order and of a foreign nation'. All priests, secular and regular, should therefore take an oath to prevent them from exercising any 'ecclesiastical function, or any spiritual authority or jurisdiction' but those 'derived' from these newly created bishops. The regulars would be unable to accept the oath as they depended on the papacy, a foreign power, and so would have to 'withdraw themselves out of the kingdom, as unfit members of the commonwealth'.¹⁰²⁷ In an aside to the letter Pugh wrote, 'Is there no reason to suspect that this design did not die with Dr Holden; but live in that party? And that Mr Sergeant's great design in his going for England, is the same'.¹⁰²⁸ The chapter's attitude to toleration negotiations with the House of Lords committee and Holden's posthumously published tracts supporting White's doctrines and attacking the Jesuits in 1661 and 1662 respectively support Pugh's interpretation.¹⁰²⁹

Leyburn seemed desperate to distance the chapter from Blackloism and so returned to London in 1660, after the Restoration, to undertake his own negotiations with the new regime. He reportedly met Clarendon to discuss the chapter's campaign for a new bishop. Clarendon agreed with the chapter's wishes, on the condition that whoever was chosen was loyal to the king.¹⁰³⁰ Leyburn met with the chapter and asked them personally to declare against Blacklo's doctrines. They refused. From this point neither Leyburn nor the chapter were willing to compromise. Leyburn returned to Douai and set out to thwart the chapter's efforts at Rome. The position of vicar apostolic for the English chapter, which Rome favoured, would eradicate Blackloism from the chapter. Leyburn knew that the English chapter needed a leader, but he wanted one who would uphold the autonomy of the papacy. A vicar apostolic's jurisdiction was, in effect, the exercise of the jurisdiction of the pope whereas a diocesan bishop's jurisdiction came

¹⁰²⁷ *Blacklo's Cabal*, pp.33-34.

¹⁰²⁸ *Ibid.* p.35.

¹⁰²⁹ H. Holden, *A letter written by Dr Holden to Mr Graunt, concerning Mr White's Treatise De Medio Animarum Statu* (Paris, 1661); *idem.*, *Check: or Inquiry into the Late Act of the Roman Inquisition* (London, 1662).

¹⁰³⁰ Birrell, 'English Catholics without a Bishop', p.148.

directly from his office as a bishop. Therefore a bishop would have given the English Catholic clergy greater independence from papal jurisdiction.

Gage reported back to the chapter in July 1660 that Leyburn had written a letter to the papacy stating that he ‘and the greater part of the clergy in England’ would be ‘well satisfied and would think themselves happy’ if a vicar apostolic was granted. Only a few members (John Sergeant the secretary of the chapter was specifically mentioned) opposed it.¹⁰³¹ Gage complained that Leyburn’s letter had given the papacy the ‘most powerful means’ to award one to the chapter ‘but also [the surest means] of fixing it on his person [Leyburn]’.¹⁰³² The priest William Hargrave, alias Hart, was identified again as one of a group who alleged that Gage had been ‘only sent by a few, and not from the whole body’.¹⁰³³ Hart, Gage warned, was ‘a person in no wise to be trusted with our affairs, however he be Dr Leyburn’s correspondent’.¹⁰³⁴ Neither Leyburn nor the Jesuits would accept the independence from Rome implied by the chapter’s support of Blackloist principles.

Leyburn had also angered the chapter by writing publicly to the queen mother, Henrietta Maria, about the perceived infiltration of the Blackloists into the chapter. In this letter Leyburn portrayed himself not just as her subject but also her servant, highlighting how long, and at which points, he had served her. Leyburn continued:

Madame, for myself I am an apologist – only, but for our mother-house I am an intercessor, most humbly beseeching your sacred majesty to look on her with a gracious eye, to the encouragement of your Catholic subjects and the discouragement of our few wanton clergymen of this fanatic age, that endeavour to hurt her, since they cannot make her a plantation of their new notions.¹⁰³⁵

The majority of the English chapter however were uncompromising on their desire for a bishop from Rome. They would not settle for a vicar apostolic, even though their agent in Rome, Gage, informed them that this appointment could be secured. Gage

¹⁰³¹ AAW, A xxxii, no.17 (Gage to unidentified person, 19th July 1660).

¹⁰³² Ibid.

¹⁰³³ Ibid.

¹⁰³⁴ Ibid.

¹⁰³⁵ G. Leyburn, *To her most excellent majestie Henrietta Maria, Queen of Great Britain. Dr Leyburn’s apologie* (c. 1660), p.13.

considered it would be a better to accept this opportunity since the chapter might otherwise forgo permanently the chance of having a superior. Worried that Gage's attitude would encourage him to make concessions to the papacy, the chapter speedily withdrew him from Rome.

In response to Gage's withdrawal, the chapter increased their attacks on Leyburn.¹⁰³⁶ The English chapter were not just against the idea of a vicar apostolic because they feared that the court of Rome would choose Leyburn for the role. They also worried that having a vicar apostolic would ensure their continual dependence on the papacy.¹⁰³⁷ In retaliation for Leyburn's meddling, the dean and the chapter published their response to him, entitled *An Encyclical Epistle*. In it, the authors addressed Leyburn's accusations of schism and Blackloism and his letter to Rome campaigning for a vicar apostolic rather than a bishop. To receive extraordinary authority was, the chapter argued, against the 'pleasure' of the queen mother who had already stated that she would not accept such a position.¹⁰³⁸ Establishing a vicar apostolic was also 'against the will of the state: and so most dangerous for us to admit, subjecting us to praemunire'.¹⁰³⁹ The pamphlet also attempted to show the falsehood of Leyburn's 'wranglings, calumnies and passionate carriages', particularly accusations of Blackloism against clergymen including Francis Gage.¹⁰⁴⁰ No wonder that Gage approved of it although he also wished that the chapter's grievances had not been made public.¹⁰⁴¹ The latter point had not been received very well by the papacy either. The papal secretary at Rome for the English clergy had expressed dismay at Leyburn's 'violent proceedings' but was angry at both parties. Gage reported:

he tells me that the Dr is a beast, and that we should rather have complained to the king of him as a disturber of the peace then to have fallen into equal

¹⁰³⁶ Birrell, 'English Catholics without a Bishop', p.147-149.

¹⁰³⁷ AAW, A xxxii, nos. 17, 35 (Gage to unidentified person, 19th July 1660; Reasons for a bishop, 1660).

¹⁰³⁸ *An Encyclical Epistle, sent to their Brethren by the Venerable Dean and Chapter of the Catholick clergy in England upon occasion of Dr Leyburn* (London, 1660), p.35.

¹⁰³⁹ Ibid.

¹⁰⁴⁰ Ibid. p.38.

¹⁰⁴¹ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, no. 64 (Letter of Francis Gage, 17th January 1661).

absurdity: and that we may blame ourselves if we neither receive favour from this state, nor this court, our dissensions being so obstructive to it¹⁰⁴²

Gage, however, saw this as an excuse. He warned a month later that the chapter should ‘never expect a good issue of our business, from the voluntary motion of this court’ if the chapter’s interest (in this case, campaigning for a bishop) ran contrary to the papacy’s.¹⁰⁴³

A paper drafted by the English chapter stated their justifications for a bishop. They believed the clergy would be ‘grounded’ by a bishop and wanted the power and jurisdiction to be exercised ‘sede vacante’ by the dean or other superior after the bishop’s death.¹⁰⁴⁴ It was proposed that the jurisdiction of the bishop would include Wales and other English dominions and that the bishop would have the power to ‘hear and determine all differences’ arising amongst the clergy. The clergy should be able to nominate candidates so that the English Catholic laity would be ‘freed from their imaginary fear of having an external court and tribunal placed over them’.¹⁰⁴⁵ These arguments articulated the chapter’s vision of considerable independence from the pope. But distancing themselves from the papacy was also an astute political manoeuvre. It would allay the fears of the king and his Protestant subjects that the English Catholic community’s loyalty lay with a foreign power. At the same time the chapter understood that their business in Rome would be advantaged by support from Charles II. Gage wrote that he hoped the king ‘grow absolute and continue not disaffected towards our religion, we may under his protection prescribe unto this court what laws we please in order both to the power and person of our superior: but if the malignity of our times debar his majesty of the freedom of acting according to his inclinations ... we may soon enough yield to the pleasure of this court’.¹⁰⁴⁶

This encapsulates the difficulties of the chapter. On the one hand it was important to free themselves from the shackles of Blackloism in order to achieve their

¹⁰⁴² AAW, A xxxii, no.50 (Gage to unidentified person, 10th January 1661).

¹⁰⁴³ OBA, vol. 2, pt. 1. Letters of Francis Gage, no. 68 (Letter of Francis Gage, 22nd February 1661).

¹⁰⁴⁴ AAW, A xxxii, no.35 (Reasons for a bishop, 1660).

¹⁰⁴⁵ Ibid.

¹⁰⁴⁶ AAW, A xxxii, no.20 (Gage to unidentified person, 3rd August 1660).

aims in Rome (Rome regarded Blacklo as ‘their mortallest enemy’).¹⁰⁴⁷ On the other hand, however, there were still parts of Blackloist (or perhaps more accurately Gallican) doctrine which could serve the chapter well at the restoration, especially the opportunity for a declaration of allegiance to the temporal power, which dismissed the temporal power of the papacy. As early as December 1660 news circulated in Rome of new versions of the Elizabethan Oath of Supremacy and the Jacobean Oath of Allegiance which had been approved by Charles II.¹⁰⁴⁸ Gage confirmed to the chapter that the Congregation had been ‘strangely alarmed’ by this news and consequently Cardinal Barberini had immediately demanded more information from the English rector. He had replied that he knew nothing about it.¹⁰⁴⁹ Yet there certainly were some English Catholics willing to take an oath of allegiance in spite of papal condemnation.

6.3. Catholic attempts to secure toleration after the Restoration.

The English Catholic community saw the Restoration of Charles II as a new opportunity from which to take full advantage. As the Convention Parliament assembled in April 1660, prominent Catholics decided that they wanted to play a part in the future of the country. Ignoring the instruction that recusants should not sit in the House of Lords, six Catholic peers had taken their seats by 3rd May. Four Catholic peers, Lords Petre, Teynham, Morley and Earl Rivers voted for Charles II’s confirmation as king of England since the execution of Charles I in 1649.¹⁰⁵⁰ By the end of May leading Catholic peers such as the Marquis of Winchester, Lord Arundell of Wardour, Lord Abergavenny, Viscount Montagu, Lord Stourton, Lord Brooke and the earls of Berkshire and Shrewsbury were all in the Upper House.¹⁰⁵¹ The number of Catholic peers meant that the Lords was more open to Catholic petitioning than the Commons

¹⁰⁴⁷ Ibid.

¹⁰⁴⁸ OBA, II, pt. 1. Letters of Francis Gage mostly to John Holland, no.58 (Gage to Holland, 13th December 1660).

¹⁰⁴⁹ Ibid.

¹⁰⁵⁰ CSP Ven, 1659–1660, p.42.

¹⁰⁵¹ A. Swatland, *The House of Lords in the Reign of Charles II* (Cambridge, 1996), p.24; JHL, XI, pp.11, 18, 49 (3rd May, 8th May, 31st May 1660).

during the rein of Charles II.¹⁰⁵² The English Catholic community did not start actively petitioning the government for toleration or liberty of conscience until 1661, since they felt that that the Declaration of Breda had, in theory, shown the new King's positive intentions. In addition, they enjoyed favour from Charles II. Charles personally opposed Richard Baxter's attempt to enact specific clauses against English Roman Catholics.¹⁰⁵³ The one-time alliance between the community and Baxter during the Interregnum had been quickly curtailed once Baxter achieved such a strong position (in religious settlement terms – even though he had been excluded from the Worcester House Conference) that he no longer needed Catholics. The alliance had, of course, been born out of necessity rather than sympathy. The Catholics were desperate to counter Baxter's arguments and a pamphlet was published in direct response. This portrayed English Catholics as loyal subjects, with the author willing to swear allegiance to the king by oath.¹⁰⁵⁴ Further assertions of Catholic loyalty followed.¹⁰⁵⁵

In Charles's mind the main focus in his three kingdoms after the Restoration was to find terms agreeable to the English Presbyterians. Although both Houses of Parliament consisted mostly of what one might now call 'Anglicans', it was the Presbyterians who posed the biggest threat to civil order.¹⁰⁵⁶ Giavarina, the Venetian resident concluded that the king was 'compelled to depend in large part on the Presbyterians' and would go to great lengths to avoid offending them 'seeing that they restored him to the throne.'¹⁰⁵⁷ Royal policy seemed to be to keep friends close but enemies even closer, hence the culmination of previous debates over a religious settlement at Worcester House in October 1660. The conference declared for a modified Anglican settlement, with concessions to the Presbyterians.

¹⁰⁵² Swatland, *The House of Lords*, p.187. In fact, in early June 1660 the Venetian resident, Francesco Giavarina reported that the Commons were already 'preparing its lightnings against the Catholics' but it looked likely that they would not be able to get the Lords to agree to their plans, therefore 'without this and the king's assent nothing can be done' (CSP Ven, 1659-1660, p.157).

¹⁰⁵³ Hutton, *The Restoration*, p.166.

¹⁰⁵⁴ Anon, *The Good Catholick no Bad Subject. Or, a Letter from a Roman Catholick Gentleman to Richard Baxter* (London, 1660).

¹⁰⁵⁵ R. Caron, *A Vindication of the Roman Catholicks of the English Nation* (London, 1660)

¹⁰⁵⁶ Miller, *Popery and Politics*, p. 95.

¹⁰⁵⁷ CSP Ven, 1659-1661, p.220.

There was little opportunity for the Catholic community to play a part in these discussions. In January 1661 episcopacy had been almost completely restored within the Church of England. By spring of the same year the Anglican campaign for enforced conformity was in full swing. There were English Catholics who tried to show their support for the restored Anglican Church by advocating, to the detriment of the Presbyterians, that episcopacy was compatible with Catholic beliefs about the nature of church government.¹⁰⁵⁸ This was potentially a good strategy, since it was the Presbyterians who the majority of the Convention Parliament wanted to punish. Some MPs were upset that Presbyterian ministers had been forced upon them. The papacy, however, refused to be swept along by hopes that the re-establishment of episcopacy would benefit English Catholics. On the news that a parliament was due to meet to discuss that re-establishment, Gage wrote in March 1661:

you may imagine what construction of this court makes hereof; where there are not wanting subtle suggestions, to make them believe that the ground on which our Catholics build their hopes will in the end slip from under them, and they be reduced to as great an oppression as ever.¹⁰⁵⁹

In reviewing the actions of the English Catholics during the first year and a half of Charles II's rule, there is a sense that the community was cautiously biding its time. Catholic pamphlets advocated toleration and described the loyalty shown during the civil war and Charles II's exile. As has been discussed, the truth was far more complex than these pamphlets suggested, and they were greeted in Protestant quarters with everything from scepticism to contradiction. This reaction is unsurprising, especially in the case of Kenelm Digby, the epitome of the royalist-Janus-faced bogeyman, who petitioned the king against 'Catholic disabilities' in 1660.¹⁰⁶⁰ Digby pleaded that the English Catholic community were loyal subjects, 'that no power on earth can absolve us from our duty

¹⁰⁵⁸ R. H. *A brief account of ancient church government with a reflection on several modern writings of the Presbyterians, the Assembly of Divines, their Jus divinum Ministeri Anglicani, published 1654, and D. Blondel's Apologia pro sentential Hieronymi and others touching this subject* (London, 1662).

¹⁰⁵⁹ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, no. 69 (Letter of Francis Gage, 20th March 1661).

¹⁰⁶⁰ BL. Add Ms 41846, Middleton Papers, f.9 (Petition of Digby to the king against Catholic disabilities, c. 1660).

and allegiance to our sovereign'.¹⁰⁶¹ Remarkably, considering his own friendship with Cromwell, Digby continued:

And accordingly your majesties Catholic subjects have given good evidence of their fidelity during the late unhappy distractions and storms, that have clouded many of your boldest and most affectionate subjects, in the expressions of their duties to your sacred person and to your blessed father: And this, at such times, and in such circumstances, as they could not be suspected to do what they did for temporal interests.¹⁰⁶²

To tolerate the English Roman Catholic community would prove 'highly advantageous' to the new regime, as it would remove the Catholic community's need to have 'foreign dependences'. Without persecution there would be no need for the community to seek 'redress from abroad, in what rendereth us unhappy at home'.¹⁰⁶³ Digby believed that the community could prove good subjects, providing good service to the king.

There were signs during the first eighteen months of Charles II's reign that anti-Catholic persecution would end and Catholics would once again find themselves in a position to offer the services Digby suggested. Parliament passed a bill to restore the dukedom of Norfolk in 1660 and Thomas, Lord Brudenell, was made the first earl of Cardigan in April 1661, at the same time Hyde became earl of Clarendon.¹⁰⁶⁴ The newly styled Clarendon gave positive signs of support for the chapter's campaign for a bishop. The penal laws against recusants were not enforced. The Venetian ambassador in Spain reported that the king had expressed 'the most friendly feelings' towards his Catholic subjects.¹⁰⁶⁵ Yet the king found himself confined by his ministers,

and dare not express openly his own sentiments, or take independent action, and would risk his kingdom and his life if he should try to make fresh attempts. His majesty had confided to him [Ambassador Batterville] that he had no other support in England than the party of Catholics.¹⁰⁶⁶

Negotiations were also beginning to secure Charles's marriage to the Portuguese Catholic princess, Catherine of Braganza. The reasons behind the choice of Charles's

¹⁰⁶¹ Ibid.

¹⁰⁶² Ibid.

¹⁰⁶³ Ibid.

¹⁰⁶⁴ CSP Ven, 1659-1661, pp.226-227.

¹⁰⁶⁵ CSP Ven, 1659-1661, p.247.

¹⁰⁶⁶ Ibid.

queen were three-fold. First and foremost was finance. Charles needed to address his inherited financial issues and the Portuguese were in dire need of foreign aid in their struggle against Spain. The Portuguese offered a dowry of around £350,000 as well as giving Charles Tangier and Bombay.¹⁰⁶⁷ By marrying the Portuguese princess, Charles could give support to Portugal against Spain. Although England and Spain had negotiated a peace, no treaty had been signed and tensions between the two nations continued.¹⁰⁶⁸ An added attraction was that France showed support for the marriage, as they also wanted to support Portugal in their revolt against Spain.¹⁰⁶⁹

It was also thought that after the Cavalier Parliament had settled the new king's revenue, Charles II might not be such an enthusiast for the Anglican Church of England. There were rumours he had converted to the Church of Rome whilst in exile and would re-establish Catholicism as the national faith; an act was even passed in November 1661 making it illegal to identify Charles as a papist.¹⁰⁷⁰ It seems therefore that there was trepidation that the new king would abandon the Church of England once he had been granted his much-needed revenue.

A memorandum found in the Catholic Belson family's collection conveys this fear and proposes a solution. The memorandum's author argues that the Church of England should not rely on the security of the first eighteen months of the Restoration.¹⁰⁷¹ At this time the king's revenue was not yet settled and therefore his support for an Anglican settlement (bearing in mind the high proportion of Anglicans in the first session of the Cavalier Parliament) was obligatory 'both by promise and interest'.¹⁰⁷² Once Charles's revenue was settled, however, the king would become more willing to listen to men 'ill-affected' to the Church of England which then might 'not be

¹⁰⁶⁷ J. Miller, *Charles II* (London, 1991), p. 90.

¹⁰⁶⁸ Ibid. p.88.

¹⁰⁶⁹ Ibid. p.90.

¹⁰⁷⁰ Miller, *Popery and Politics*, p.98.

¹⁰⁷¹ Belson, Q30/1. There is little to identify the author, although it seems unlikely that he was Catholic. Both Augustine and John Belson, however, were associates of Thomas White and one can presume shared White's Blackloist principles. White made Augustine an executor of his will and left him and his fellow executor £100 and a manor in Huntingdon. John had witnessed the will (see Belson, Q26/2. The will of Thomas White).

¹⁰⁷² Belson, Q30/1.

able to promise herself a parliament that have more consideration for her than others'.¹⁰⁷³ The memorandum continued:

Further as it can not well be expected that any prince should punish people for being of his own religion, and connivance of any such dissenters naturally spreads to the rest, the laws for conformity must needs come to be disused, and in time perhaps repealed, it may be without regard to her... In a word it is not likely that under a prince of a different religion the condition of the Church of England should grow better by time; it may grow worse, and therefore I conceive it is her interest to do what she thinks fit, to do for her self, now while she is at the best.

Three solutions were considered by the author; enact persecution against all dissenters and threaten the king with loss of revenue if he disagreed, indulge some dissenters but persecute others, or 'indulge' all. The first two choices were dismissed on the grounds that they were 'impractical and ruinous', as the king was unlikely to persecute those of his own religion and therefore would be likely to break from the Church of England when domestic politics allowed. Papists could not be tolerated on their own because of the risks to Church and State; with toleration papists might have become too numerous and powerful for the Church of England and for the state 'it has been found by lamentable experience that fanatic Dissenters were too hard for the Church of England and the papists united together and strengthened by the king's person. Things indeed are not in so bad a posture now as they were in 40s'.¹⁰⁷⁴ If, however, toleration included all dissenters, this would secure their support against any foreign invasion (an accusation aimed primarily at the French). As things stood, however, the author believed that the community could be 'well hindered from a toleration. For tis likely the laws against them will be executed'. Yet the author still believed toleration should be offered to prevent a radical kind of popery or, as the memorandum put it 'more popery here, than wise Catholics themselves would wish'.¹⁰⁷⁵

The thoughts expressed in this memorandum go some way to explain the Roman Catholic community's lurch into action in 1661.¹⁰⁷⁶ Three separate approaches had been made to king and parliament by that summer, petitioning for religious toleration by the

¹⁰⁷³ Ibid.

¹⁰⁷⁴ Ibid.

¹⁰⁷⁵ Ibid.

¹⁰⁷⁶ See CSP Ven, 1659-1661, p.307.

Catholic laity, the regulars and the chapter. Since the king's revenue had not been settled, the Savoy House Conference on a religious settlement ended in deadlock, and in the absence of a uniformity bill which did not pass until May 1662, there seemed an opportunity for the community to petition for toleration whilst the two main religious parties were divided and before a new religious settlement was reached.

Each approach addressed and dismissed the problem of the papal deposing power. The Benedictines and other members of the regular clergy petitioned Charles II for toleration. They made references to the condemnation by several Catholic universities of the pope's claim to temporal power by divine right to prove their allegiance to their king.¹⁰⁷⁷ The English Catholic laity also approached parliament and Charles for toleration. On 10th June 1661, following a debate concerning the oaths of supremacy and allegiance, a group of Catholic gentlemen – Henry Arundell, Francis Carrington, George Blount, William Courtenay and Samuel Tuke (knighted in March 1664) – approached the House of Lords with a petition on behalf of the English Catholics.¹⁰⁷⁸ The petition declared the community's fidelity and allegiance to the Crown and hoped that on this basis the English Catholics would not be excluded from 'His majesty's gracious intentions to all his subjects in general, in point of tender consciences'. The petitioners hoped to influence the wording of further oaths of fidelity and allegiance implemented by the new regime. After the petitioners had spoken, the debate was postponed and on sitting the next day the Lords declared that nothing yet had moved them to alter the proposed oath. Catholic petitions concerning the oath and a consequent debate would be held the following Monday. The English Catholic gentlemen finally had their say on 21st June. Samuel Tuke began by presenting two papers, one a list of the penal laws in force concerning religion, the other a paper outlining the community's desires. This paper, conveying the community's hope of toleration, was firmly rooted in the Declaration of Breda.¹⁰⁷⁹ Tuke asked the Lords to

¹⁰⁷⁷ C. Butler, *Additions to the Historical Memoirs respecting the English, Irish and Scottish Catholics, from the Reformation to the Present Time*, Vol. 4 (London, 1821), p.142.

¹⁰⁷⁸ JHL, XI, p.276 (10th June 1661).

¹⁰⁷⁹ W. Kennett, *A Register and Chronicle ecclesiastical and civil, containing matters of fact, ... with notes and references towards discovering and connecting the true history of England from the Restoration of King Charles II*, Vol. I (London, 1728); Belson, Q30/2.

mediate so that English Catholics might receive the ‘Benefit’ of Charles II’s ‘gracious promise’, since the community thought itself innocent of any action rendering it ‘incapable of this gracious and general indulgence’.¹⁰⁸⁰ The Catholics were not approaching both the king and parliament to ‘justify our doctrine’ but to prove their fidelity and obedience to Charles II. The paper denied the papal disposing power and declared the English Catholic community ready ‘with our lives and fortunes’ to oppose the pope or any other foreign power, and more importantly in terms of removing the penal laws against them, ready to swear their allegiance to the king.¹⁰⁸¹ Tuke acknowledged, however, the continual problem of oath taking of the Catholic community – the wording. The petition stated:

Now whether there be any reasonable ground to imagine, that contrary to an article of faith, and so sworn to be by us, we should espouse an opinion that is only problematical, to the prejudices of our duties, and contrary to our oath, is humbly offered to the Christian consideration of the honourable members of both houses. We do not know what inconveniences such a spiritual jurisdiction can create in the minds of those subjects, as to the lessening of their obedience to temporal magistrate who are so justified against the irregular execution of it, and which in its own nature is so absolutely distinct from that jurisdiction which princes justly challenge over all their subjects.¹⁰⁸²

The petition stated that there would be no clash in the minds of the community; the soul belonged to God and what belonged to Caesar belonged to Caesar.

Lord Arundell of Wardour was granted permission to present another paper to the Lords from the community.¹⁰⁸³ Arundell outlined six ‘motives’ for Catholics to be included in any future freedom of religious conscience.¹⁰⁸⁴ The first was that all the causes for Charles II’s predecessors’ penal laws against English Roman Catholics had been removed. Henry VIII, it was said, implemented these laws because he was ‘swayed by sinful passion’ and therefore needed ‘the defence or cloak’ of these laws whereas Charles had a ‘just and equal Christian temper’.¹⁰⁸⁵ Elizabeth I had enacted penal laws

¹⁰⁸⁰ Ibid.

¹⁰⁸¹ Ibid.

¹⁰⁸² Ibid.

¹⁰⁸³ JHL, XI, p.286 (21st June 1661).

¹⁰⁸⁴ Butler, *Memoirs*, pp.146-153; OBA, II, pt.2. The Oath of Supremacy and Allegiance, no.192 (A Declaration of Allegiance to Charles II).

¹⁰⁸⁵ Butler, *Memoirs*, pp.146-7.

because she needed to ‘strengthen and secure’ her succession and rule, whereas Charles II’s succession was considered right and legitimate. The king’s Catholic subjects had ‘endeavoured to defend that legitimacy during those late commotions, not only to a sale and sequestration of our estates, but deprivation also of our lives’.¹⁰⁸⁶ King James had enacted further penal laws as a result of the Gunpowder Plot, which involved only a small minority of Catholics. Arundell declared that ‘the crime of a few Catholics [should not] be made the fault of all’.¹⁰⁸⁷ Secondly, the paper repeated the similar declarations of Mary, Queen of Scots, and King James, stating that no blood should be shed purely on grounds of religion.¹⁰⁸⁸ Thirdly it was asserted that the Roman Catholic religion taught ‘to render as to God the things that are God’s, so to Caesar the things that are Caesar’s’ and that obedience to temporal magistrates and princes was the result of conscience not fear.¹⁰⁸⁹ The fourth and fifth points related to the community’s fidelity, using the examples set during Elizabeth’s reign (against the attempted Spanish invasion) and Queen Mary’s (the Catholic community supported Mary’s cancelling of the ‘forged’ will of Henry VIII, and ‘deposing the usurping Queen Jane’).¹⁰⁹⁰ The last reason for toleration, Arundell argued, was the community’s allegiance to Charles I and Charles II during the civil war and Interregnum. The peer argued:

We have been ever constant to your just claim to the succession of this crown; not ebbing or flowing in our affections, (like some others), according to the vicissitudes of your good or evil fortune, but always resolute to live and die with your majesty: nor did your father’s or your majesty’s declared zeal to the Protestant religion, any way diminish the loyalty of our hearts or hinder the performance of our duties.¹⁰⁹¹

This, as has been shown, was true only of some English Catholics. Critics were keen to prove otherwise, but some sort of collective amnesia did seem to grow out of the campaign for toleration after the Restoration. Rewriting Catholic participation in the civil wars and, in particular, their conduct during the Interregnum, was a necessary and obvious step in this campaign. This resulted in a long-lasting change in remembrance within the English Catholic community. This issue of loyalty and disloyalty was also the

¹⁰⁸⁶ Ibid. p.147.

¹⁰⁸⁷ Ibid. p.148.

¹⁰⁸⁸ Ibid. p.149.

¹⁰⁸⁹ Ibid. p.150.

¹⁰⁹⁰ Ibid. pp.151-2.

¹⁰⁹¹ Ibid. p.153.

crux of the Leyburn dispute, which was in full flow at this time. The interconnection between the two will be discussed below.

The Lords fell into a debate over Tuke's and Arundell's presentations but soon adjourned. Seven days later they ordered that a committee be formed to discuss the laws in place concerning priests 'and such other laws as reach to blood'.¹⁰⁹² The committee was made up of Catholics, Anglicans and Presbyterians and held several meetings at the Duke of York's lodgings. The chapter, or at least the dean, Humphrey Waring, seemed to have some input as the proposals agreed by the committee are included in the Archdiocese of Westminster's Archives with the note 'What Mr Waring (alias Ellis the Dean) judged proper to be tendered to parliament'.¹⁰⁹³ When the committee first met on the 16th July 1661 they decided to propose a bill to repeal the statutes against seminary priests in England, against men going out of the realm and not taking the oath and giving bond, and against those who seduced others away from conformity, namely 5: Eliz cap:1⁰; 27 Eliz: cap: 2⁰; 1⁰ Jacobi cap: 1⁰; 3 Jacobi cap: 4⁰.¹⁰⁹⁴ The bill should give the grounds for these alterations and 'remedies to preserve the Protestant religion from those inconveniences' which might occur as a consequence of their repeal. The Jesuits, however, were to be excluded from any toleration. On their final meeting the committee recommended that the 'writ de heretico comburendo' and all existing clauses against priests should be removed, again excluding Jesuits. The clause in 5:Eliz:c:1 condemning the first refusal of the Oath of Allegiance as praemunire and the second refusal as treason should also be repealed, as should clauses against going out of the realm and seducing people away from conformity.¹⁰⁹⁵ The bill also outlined proposals to monitor priests operating in the country. All priests were required to provide their names and addresses to one of the secretaries of state within twenty days after their arrival in the country. The king would approve the names, which would be passed on to the county courts and sheriffs. Any priest deemed 'obnoxious' would answer for his actions to the king. An oath of allegiance would be taken by all priests and Roman Catholics and

¹⁰⁹² JHL, XI, p.292 (28th June 1661).

¹⁰⁹³ Miller, *Popery and Politics*, p.98; AAW, A xxxii, no.59. (What Mr Waring (alias Ellis, the dean) judged proper to be tendered to Parliament, 16th July 1661).

¹⁰⁹⁴ AAW, A xxxii, no.59.

¹⁰⁹⁵ Ibid.

attention would be given in every diocese to ensure the children of Roman Catholics were catechised. Jesuits were again excluded from toleration and were not allowed to enter the country at all. This was to prove a major cause of the disunity in the Roman Catholic community.

The Committee's proposals however were never presented to the Lords. Clarendon believed the reason was that the English Catholics were 'never afterwards ...solicitous of it'.¹⁰⁹⁶ At the end of July 1661, however, the Venetian ambassadors extraordinary in England, Angelo Correr and Michiel Morosini, reported to the Doge and Senate that Clarendon had:

not thought it well to discuss so great a project, possibly feeling that the moment is not opportune, or thinking by the delay to increase his authority. So, for the present, to ameliorate the lot of the Catholics, it is proposed that the exercise of their religion shall entail exile merely instead of death, and it is hoped that even the minor penalty may lack enforcement.¹⁰⁹⁷

The English Catholics could still hope for freedom of conscience from the new king.

Two months after the meeting of the Lords Committee the chapter made their own separate approach to Charles II and were keen to declare their allegiance to him. After asking permission from the king, through the mediation of sieur d'Aubigny, the chapter held its first General Assembly under the new regime in September 1661. The king had been assured it would discuss only its own concerns and their episcopacy campaign. Charles II advised them not to 'meddle' or agree any extraordinary authority from the papacy, otherwise he would be unable to protect them from the full force of the recusancy laws.¹⁰⁹⁸ The fourth session of the General Assembly held on 13th September discussed proposals that would govern the chapter's loyalty to Charles II. The first proposal was that the chapter should renounce all foreign power, in particular the temporal and ecclesiastical power of the pope 'in as much as he shall pretend to free us

¹⁰⁹⁶ Butler, *Memoirs*, p.160.

¹⁰⁹⁷ CSP Ven, 1661-1664, p.18.

¹⁰⁹⁸ G. Panzani, *The Memoirs of Gregorio Panzani*. (Translated ... by ... Joseph Berington.) With an introduction by TA Birrell (Republished) (Farnborough, 1970), p.302.

from obedience to his majesty'.¹⁰⁹⁹ The chapter agreed to do this by oath. The second proposal was that the chapter should represent their brethren's 'motives, grounds and circumstances which may endure them to agree with the rest of the Catholics in their comportment in that particular'. The chapter also agreed not to receive any bulls, breves or decrees from the pope without Charles II's permission. Following the Assembly, the chapter made a formal declaration to the king affirming their allegiance to him and to the peace of the kingdom. They declared that they regarded Charles II as the lawful monarch and that the pope held no power to depose kings. They also stated that any man subscribing to the political power of the papacy could not act as a priest in the kingdom and (were the position granted by the court of Rome) would not hold the office of bishop.¹¹⁰⁰ The chapter's declaration was in accordance with the efforts of other members of the community: denying papal power to secure toleration during the first session of the Cavalier Parliament. At the same time, members of the English Catholic community wrote and distributed papers denouncing the claims of papal power and declaring that all subjects must obey civil rule.¹¹⁰¹

As can be seen from the proposals set forth to the Lords by the committee on Catholic toleration, the chapter were keen to accept an alternative version to the existing Oath of Allegiance, even if it excluded the regular clergy. The convert Serenus Cressy published a pamphlet on this issue, arguing that the oaths of supremacy and allegiance, as they stood, could not 'lawfully or sincerely be taken by any Christian'.¹¹⁰² Cressy was keen to limit the power of the papacy but not for the king to lead entirely in spiritual matters. He tried to argue that there was no way Protestants could accept the wording of the original oath for the same reasons. Cressy wrote:

what English Protestant will be willing to make even the negative recognition? For if there be no foreign power at all superior to the king in things or causes purely spiritual then neither is the pope a patriarch of the west... neither can a

¹⁰⁹⁹ AAW, A xxxii, no.63 (The acts of the General Assembly, held by the chapter of the Church of England, 10th September 1661).

¹¹⁰⁰ Belson, Q51/1; OBA, II, pt.2. The Oath of Supremacy and Allegiance, no.191 (A Declaration of Allegiance).

¹¹⁰¹ Belson, Q63.

¹¹⁰² S. Cressy, *Reflections upon the Oaths of Supremacy and Allegiance by a Catholick gentleman, and obedient son of the Church, and loyal subject of His Majesty* (London, 1661), pp.4-5. This work has frequently been wrongly attributed to John Sergeant.

lawful and free general council oblige English Protestants which yet they so often protest to submit to.¹¹⁰³

Other members of the community, however, argued that the original versions of these oaths could be taken. Both Bristol and John Winter espoused this point at meetings of the faithful about toleration, but ultimately failed to convince many that they could submit to the oath.¹¹⁰⁴ In 1662 in a pamphlet, Winter argued that the oaths required of the Catholic community should ‘be cleared of doubtful expressions in them, which cause their scruples ... or a new oath to be compiled in clear terms... [whereby English Catholics may] fully testify the allegiance and fidelity of faithful subjects and true patriots’.¹¹⁰⁵ Similar sentiments were expressed by an anonymous writer in a pamphlet specifically concerning the oath of supremacy. Dismissing Cressy’s objections as ‘so weak that they are even ridiculous’, the author complained that the English Catholic community were ‘deluded by sounds which cannot possibly be taken in the sense we are afraid of, and yet we are unwilling to understand them in any other’.¹¹⁰⁶ He believed it was madness to make the monarch the only supreme governor in purely spiritual cases, as it would give laymen power to allow other laymen to ordain, consecrate, absolve and administer sacraments. Therefore, he argued, in the oath the word spiritual ‘neither signifies nor involves the power purely spiritual (nor consequently prejudices faith)’.¹¹⁰⁷ The author used the example of Mary, Tudor queen of Scots, to support his argument. As Mary was the supreme head of the Church in England, Scotland and Ireland, the supremacy and headship of the Church was owned by a Catholic queen. ‘Yet tis certain’ he continued, ‘neither of them (though the words on earth be added) sound a denying the popes power’.¹¹⁰⁸

An oath would clearly have to be taken to gain official toleration, but agreeing the conditions and the impact concessions would have on the power of the papacy

¹¹⁰³ Ibid. p.22.

¹¹⁰⁴ Miller, *Popery and Politics*, p.97.

¹¹⁰⁵ J. Winter, *Observations upon the oath enacted 1 Elizabeth, commonly called the oath of supremacy. For the better satisfaction of those that may find themselves concerned therein* (London, 1662). There is also a copy enclosed in OBA, II, pt.2. The oath of supremacy and allegiance, no. 201 (Observations upon the enacted 1 Elizabeth).

¹¹⁰⁶ U DDEV/x1/68/248/78 (Reasons concerning the oath of supremacy).

¹¹⁰⁷ Ibid.

¹¹⁰⁸ Ibid.

caused problems. The regular clergy could not take an oath that denied the infallibility of the pope. On this, the Jesuits, in particular, refused to be moved. Of course there were great advantages for the English Catholic community in excluding the Jesuit clergy. Many Protestants regarded Jesuits as a perversion of an already unacceptable religious culture, more seditious and treasonable than any others because they depended on Rome. As has been seen, attacks were continually launched against them in print, not least by other members of the English Catholic community.¹¹⁰⁹ A pamphlet published in London in 1662 by Antoine Arnauld, for example, tackled the Jesuits' adherence to papal deposing power. In *The New heresy of the Jesuits*, Arnauld argued the pope's infallibility was not a point of faith and was accepted only by the Jesuits.¹¹¹⁰ For this reason he held them responsible for the dislike of all Catholics by the Church of Rome's enemies. The faithful were in danger, he wrote, 'to be poisoned by opinion, that tends to change into idolatry the veneration which they owe to the sovereign pastor; where the Church is profaned by an impiety, that dishonours or exposes it to outrages of its enemies'.¹¹¹¹

The removal of the Jesuits would give the secular clergy's chapter a much greater degree of influence over the rest of the community. It would also quell distrust in the community and the clergy in particular. A sense of this comes from the example of the new queen of England, Catherine of Braganza. She caused much concern at the English court when she was still in Portugal because she chose a Jesuit as her confessor. Her mother, the queen of Portugal, joined forces with representatives from the English court to dissuade her from this choice, stating that it would provoke significant prejudice against her from her new subjects.¹¹¹²

The English chapter was also spurred on by proceedings in Ireland. After the Restoration, in the face of political unrest against Catholics in Ireland, the Irish priest

¹¹⁰⁹ Anon, *The Jesuits Reasons Unreasonable, or, Doubts proposed to the Jesuits upon their paper presented to divers persons of honour, for nonexception from the common favour voted to Catholics* (London, 1668).

¹¹¹⁰ A. Arnauld, *The new heresy of the Jesuits: publicly maintained at Paris in the College of Clermont, by conclusions* (London, 1662), pp.5, 6, 13-14.

¹¹¹¹ Ibid. p.21.

¹¹¹² CISP, 76, ff.91-2 (R. Russell of C Verde to Clarendon, 26th March/5th April 1662).

Peter Walsh worked with Richard Bellings to draw up an oath of allegiance, the Irish Remonstrance. This would, in theory, enable Irish Catholics to take part in the Irish Settlement. The Irish Remonstrance limited papal power. As with the Jacobean Oath of Allegiance, it had both supporters and critics within the local and European Catholic communities. When the Remonstrance was shown to Charles II he welcomed it, perhaps encouraged by the papacy's refusal to grant Charles's wish to make sieur d'Aubigny a Cardinal (of which more later).¹¹¹³ Brussels and Rome however condemned the Remonstrance and, as political tension in Ireland increased, Charles II also withdrew his backing. Irish Catholic support for the Remonstrance subsequently collapsed and Walsh dismissed further versions of the oath offered from regular Irish clergy.¹¹¹⁴ Initial Irish Catholic support for the Remonstrance struck a chord with the English secular clergy's chapter, and they seemed keen to accept Walsh's invitation to subscribe to the Irish Protestation or similar proposals, along with the Scottish and Welsh Catholic clergy.¹¹¹⁵ The chapter wrote to the Irish Bishop of Dromore, in Rome, 'fully praising and approving' of the Remonstrance. The letter also stated the chapter's intention to 'go along and join' the Irish 'in the like Protestations'.¹¹¹⁶ The English chapter also included their own version of an oath of allegiance containing three propositions: that the pope had no power to depose the king; that the king was the supreme governor in 'all causes as well as spiritual as temporal so far as they reflect on the civil state'; that no priest could or would be permitted to join the English mission unless they subscribed to the oath.¹¹¹⁷ A pamphlet written by R. Caron, published in London in 1662, supported these propositions. Caron's *Loyalty asserted, and the late remonstrance or allegiance of the Irish Clergy and Laity*, argued that loyalty and obedience to kings were consistent with Catholic teaching.¹¹¹⁸ Neither the pope nor any other spiritual or temporal power could

¹¹¹³ Miller, *Charles II*, p.81.

¹¹¹⁴ M.A. Creighton, 'Peter Walsh (c. 1618-1688)', *ODNB*.

¹¹¹⁵ P. Walsh, *The more ample account, the answers to the exceptions, the inducements, and invitation, promised in the advertisement annexed to the late printed remonstrance, protestation, & c. of the Roman Catholic clergy of Ireland* (London, 1662), Advertisement to the reader.

¹¹¹⁶ AAW, A xxxii, no.77. (Letter from R. S. P. to Mr John Poyntz at Rome about the English chapter and Irish Friars, 5th December 1662).

¹¹¹⁷ Ibid; AAW, A xxxii, no.76 (Answer of the University to the chapter, September 1662).

¹¹¹⁸ R. Caron, *Loyalty asserted, and the late remonstrance or allegiance of the Irish clergy and laity* (London, 1662), To the reader.

depose kings or discharge subjects' allegiances to them. Caron criticised those, including the papacy, who had spoken against the Irish clergy's propositions:

Surely it were a pity, that truth in the conjunctures of times, and circumstances should be concealed, or lie hidden to the dishonour of the Apostolic See, and of the Roman Catholic religion: and thereby give ground to continue a severe censure against the professors thereof. Neither ought any learned man to stifle such a truth, who dare be honest to his religion, and sovereign if the corruption of self-interest, and vain pretensions abroad, more than the zeal of religion, or the safety of his sovereign, and friends at home, will not give his judgement a stop, and thereby betray his duty to God and Caesar.¹¹¹⁹

The regulars would not subscribe to this oath and it caused much unrest and division within the English Catholic community as it had amongst the Irish.

Unsurprisingly, the chapter remained tainted with accusations of Blackloism. During April and May 1661, in the run up to the chapter's General Assembly, Gage reported that Rome still considered the chapter to be Blackloist.¹¹²⁰ Matters were not helped by Leyburn's response to the chapters' *Encyclical Epistle*. In *Dr Leyburn's Encyclical Answer sent to his Brethren of England*, he defended himself against the chapter's assaults.¹¹²¹ He argued that White's *Obedience and Government* 'made us odious to all Princes and was as much against Cromwell (then kinging it)', as against Charles II.¹¹²² He also defended the authority of the pope.¹¹²³ The General Assembly was keen to distance itself from accusations of Blackloism. They issued a statement responding to Leyburn's attacks renouncing 'all novelties in doctrine belonging either to religion or government'.¹¹²⁴ The chapter acknowledged that Blacklo's doctrines had been 'prohibited and condemned' already by the pope and therefore 'out of duty and obedience' to the pope prohibited 'all our brethren and lay Catholics of the kingdom' to read Blacklo's 'forbidden' work. The clergy forcefully pronounced:

we do from our hearts disclaim disavow and utterly renounce what ever is confined in the said Mr Thomas White's book entitled the *Grounds of Obedience*

¹¹¹⁹ Ibid.

¹¹²⁰ OBA, II, pt. 1. Letters of Francis Gage mostly to John Holland, nos.70, 71, 73 (Letters of Francis Gage to John Holland, 5th April, 11th April, 3rd May, 1661).

¹¹²¹ G. Leyburn, *Dr Leyburn's Encyclical Answer sent to his Brethren of England* (Douai, 1661), p.56.

¹¹²² Ibid. p.37.

¹¹²³ Ibid. p.66.

¹¹²⁴ AAW, A xxxii, no.63.

and Government, which is any way in the least offensive to his sacred Majesty our sovereign lord, or ill principled in order to this State and government.¹¹²⁵

The chapter argued that after Smith (who they emphatically denied trying to remove) had died, the dean and secretary had been authorised by the chapter to act in their best interests. Leyburn's accusation that they were 'a pack of Blackloists' was a cruel and false aspersion. They also wrote to Henrietta Maria to complain about Leyburn's divisive attitude.¹¹²⁶ The Welsh clergy's submission to the chapter in 1663 included a statement signed by twelve secular priests condemning White's books.¹¹²⁷ A cynical interpretation of this denial is that the chapter was pacifying Rome in order to procure a bishop. Undoubtedly this played a part, but such an interpretation would require us to believe that the chapter either were Blackloists, or thought themselves such.

Certainly, there were keen Blackloists in the chapter at this time, notably White himself, Henry Holden, Humphrey Waring (alias Ellis), the dean, and John Sergeant, the secretary, who wanted the English chapter to become more independent from the papacy. Sergeant's animosity towards the papacy was clearly seen when he defended the authority of the chapter in 1667.¹¹²⁸ There were other members of the chapter, however, who wanted a bishop and agreed that the English clergy should be allowed to take an oath of allegiance, but did not want the sort of independence from Rome that the Blackloists desired. Priests such as Francis Gage, John Lassels and William Gasgoigne (alias Meynell or Mennell) were regarded as non-Blackloist in 1662/3.¹¹²⁹

The distinction between those who were Blackloist and those who were not was an important but a complex one. The secular priest Henry Turberville is a good example. An archdeacon, known and liked by Leyburn, and well versed in controversial theology, Turberville was considered in 1662/3 to be most 'infected with the dangerous teachings of White' because he defended the taking of the Oath of Allegiance.¹¹³⁰ Yet he lived in the London home of the marquis of Winchester, John Paulet, who had been one of the

¹¹²⁵ Ibid.

¹¹²⁶ AAW, A xxxii, no.66 (The chapter to Henrietta Maria, 9th September 1661).

¹¹²⁷ AAW, A xxxii, no.90 (Welsh submission to the chapter, 1663).

¹¹²⁸ See Birrell, 'English Catholics without a Bishop', p.154.

¹¹²⁹ Burton, Williams (ed), *The Douay Diaries 1598-1654* II, pp.546-552.

¹¹³⁰ Ibid. p.547.

main negotiators with the Independents in 1647, along with Lord Brudenell and Monsieur Gilles Chaissy. This group had agreed to take an oath of allegiance but were criticised by the Blackloists because they were unwilling to agree to conditions decreasing English Catholics' dependence on Rome. This distinction between Blackloists and the Hispanophiles (the Francophiles' having aligned somewhat with the Hispanophiles' in the 1660s)¹¹³¹ was still prevalent after the Restoration.¹¹³²

In real terms, the chapter was not looking for complete independence from Rome as White, Holden and Digby had been in the later 1640s and 1650s. The chapter was still petitioning the papacy for a bishop, rather than appointing one itself. The Gallican principles of limiting the papacy's power were shared by other Catholic parties and had been discussed at great length in Europe. A letter written to John Poyntz protested about similar principles amongst the Irish clergy. The author wrote:

Such as busy themselves 200 [Irish clergy] forwardly pressing our English likewise to subscribe their Irish Protestation against the pope's powers. The world is grown so fickle that they find greater credit (even in the family where I live) to advance these principles then we oppose them.¹¹³³

The proposals aimed at the regular clergy, in particular the enforced exile of Jesuits, were not Blackloist alone, but had formed part of Gregorio Panzani's (the papal nuncio operating in Charles I's court in the 1630s) plans for official toleration.¹¹³⁴ The chapter were desperate to silence Leyburn, moreover, because not only was he bringing the chapter into disrepute but he was also drawing attention to the existence of Blackloism and some Catholics' disloyalty during the Interregnum. This accusation, prevalent in anti-Catholic Restoration pamphlets, was one that English Catholics would never entirely be able to shake off.

In fact even Blacklo was keen to distance himself from his reputation. White wrote to Kenelm Digby in 1663 listing his criticisms of William Assheton's *Evangelium*

¹¹³¹ For example those English clergy held posts abroad such as George Leyburn, Walter Montagu, Edward Thimbleby (provost of the Collegiate Church of Cambray, Michael Jenison (vice-president of the Pontifical College of Douai) and James Heaselwood, and those living in England, for example, Lawrence Jones. See Burton, Williams (ed.), *The Douay Diaries*, pp.548-552.

¹¹³² Pugh, *Blacklo's Cabal*, pp.52, 72.

¹¹³³ AAW, A xxxii. no.63.

¹¹³⁴ Panzani, *Memoirs of Gregorio Panzini*, pp.310-1.

Armatum which condemned White's work, in particular, his *Grounds of Obedience and Government*.¹¹³⁵ White wrote that he had never been a supporter of Cromwell, nor had he been acquainted with his officers. Rather his *Grounds of Obedience and Government* was written to show the unlawfulness of Cromwell's actions and what he regarded as reacting lawfully to the pressures of the time; 'a safe retire is as great an action of a soldier as fighting in due circumstances'.¹¹³⁶ The chapter did not want to draw attention to the community or to be seen to rock the boat. A copy of an address to the Catholic clergy complaining of bribery at court and the lack of opportunity for Catholics to serve the crown stated that a previous pastoral letter had directed those who had not been given public employment in the new court to 'bear their lots with modesty and patience, without murmuring or envy'.¹¹³⁷

Following the Lords' committee and the chapter meeting, prominent Roman Catholics met several times at Arundel House to debate the proposals that were being offered to them, mainly to take the Jacobean Oath of Allegiance and to exile Jesuits and other Regulars. From accounts of these meetings, and in light of the debates within the Catholic clergy, these were issues upon which the community would never agree. The Oath had caused division from its first creation in 1606. This may even have been the main motivation behind its implementation.¹¹³⁸ The Jacobean regime was determined to 'exert an ideological stranglehold over the English Catholic community' by making it confront 'stark conundrums and choices' concerning the relationship between spiritual and temporal power.¹¹³⁹ Debates over the oath and toleration after the restoration, as during the Jacobean and Caroline periods, were a way for different factions within the English Catholic community to claim leadership and therefore gain control.¹¹⁴⁰

¹¹³⁵ BL. Add Mss 41846, Middleton Papers, f.11 (Thomas White, Catholic controversialist, to Digby, with criticisms of the *Evangelium Armatum*, 29th April 1663).

¹¹³⁶ Ibid.

¹¹³⁷ Belson, Q58.

¹¹³⁸ M. Questier, 'Loyalty, Religion and the State Power in Early Modern England: England Romanists and the Jacobean Oath of Allegiance', *Historical Journal*, 40 (June, 1997), pp.311-329; idem, 'Catholic Loyalism in Early Stuart England', *English Historical Review*, (2008), pp.1132-1167.

¹¹³⁹ Questier, 'Catholic Loyalism in Early Stuart England', p.1147. Tendering of the oath during the Caroline regime had also changed from a dividing tool to a negotiating one to try and secure both foreign and domestic political support for the regime (Ibid. p.1162).

¹¹⁴⁰ Ibid. p.1144.

The proposals upset the laity as the committee had only made provisions for repealing the laws against priests rather than recusants generally. The landed laity would still be required to pay fines for their recusancy which would not secure their estates. If we believe Clarendon's version of events, the proposals would also have secured more priests, the number of which, the laity thought 'was more grievous to them than the scarcity'.¹¹⁴¹ There is no reason to discount this argument when one considers the tension and resentment felt by the laity during periods when they thought the clergy were becoming too powerful, especially in the 1620s and the 1630s during the approbation controversy.¹¹⁴²

Conversely, the clergy were reported to be angered because the committee's proposals would deprive them 'of the honour of martyrdom', (which one might take with a pinch of salt) and limit their numbers in England (which was more likely to be the case). Some members of the laity and the clergy were willing to denounce the papal disposing power, but a large section of the community were not.¹¹⁴³

The Jesuits would not agree to any of the meeting's proposals. They refused to disclaim papal power, which apparently 'scandalised' the laity. They would not agree to their own exile, arguing that they were no different from other groups of regulars and the secular clergy. Indeed, the Jesuits were the largest group of regulars in the country and had many powerful supporters.¹¹⁴⁴ Pamphlets were printed in support of them. The anonymous pamphlet *A letter concerning the Jesuits*, stated that many Catholic bishops required Jesuit assistance on a daily basis, including 'the wisest and holiest of Benedictine abbots'.¹¹⁴⁵ The pamphlet noted that a Congregation held by the order in 1606 had commanded abstention from teaching students about the papal deposing power, and had stated that the wording of the oath of allegiance excluded all Catholics,

¹¹⁴¹ Butler, *Memoirs*, p.160.

¹¹⁴² See Questier, *Catholicism and Community*; Questier, *Newsletters*.

¹¹⁴³ Belson, Q63.

¹¹⁴⁴ Hay, *The Jesuits and the Popish Plot*, p.81.

¹¹⁴⁵ Anon, *A letter concerning the Jesuits* (London, 1661), p.3.

not just the Jesuits.¹¹⁴⁶ Yet, the author argued, the Jesuits were ‘good citizens’ and held principles that were consistent with loyalty to a monarchical government.¹¹⁴⁷ ‘There is no nation in Christendom’, the author wrote, with a ‘stricter eye upon the pope’s growing power than France, and yet the Jesuits are no where in greater esteem than there’.¹¹⁴⁸

These sentiments were echoed in ‘M. G’s’ pamphlet, *An account of the Jesuits life and doctrine*, when argued that the Jesuits had ‘been always faithful at home and dutiful abroad, as his majesty hath been graciously pleased to express’.¹¹⁴⁹ The Jesuits, the author asserted, had never sided with the king’s enemies. He used the examples of Henry Gage, John Smith and John Digby, all ‘penitents’ of the Jesuits, to support this. ‘If they had rebellion in their hearts’, the author argued, ‘they would on these public revolutions have showed them at one time’.¹¹⁵⁰

The Benedictines were also numerous. Both factions were on good terms with part of the Catholic nobility.¹¹⁵¹ Robert Pugh was esteemed in the community to the extent that in March 1651, although already dismissed by the Jesuits, Cardinal Barbarini instructed him to return to England because he was so well known and well thought of by the English Catholics.¹¹⁵² George Leyburn too was held in high regard, especially by those within the Francophile faction.¹¹⁵³ He also had powerful supporters in the clergy, in particular Walter Montagu and sieur d’Aubigny, who thought the oath and the conditions for toleration unreasonable.¹¹⁵⁴ Montagu wrote in support of Leyburn suggesting that Leyburn had been provoked into publishing his *Encyclical Answer* in reaction to the chapter’s accusations in their *Encyclical Epistle*.¹¹⁵⁵ Although many of

¹¹⁴⁶ Ibid. p.6.

¹¹⁴⁷ Ibid. pp.9-10.

¹¹⁴⁸ Ibid. p.9.

¹¹⁴⁹ M.G, *An Account of the Jesuits Life and Doctrine* (London, 1661), To the reader.

¹¹⁵⁰ Ibid.

¹¹⁵¹ Hay, *The Jesuits and the Popish Plot*, p.81.

¹¹⁵² Anstruther, II p.258.

¹¹⁵³ OBA, II, pt.1. Letters of Francis Gage mostly to John Holland, no.55 (Gage to John Holland, 8th November 1660).

¹¹⁵⁴ AAW, A xxxii, no.77.

¹¹⁵⁵ AAW, A xxxii, no.72 (Letter of Walter Montagu, January 1662).

the Catholic laity felt that they should accept whatever conditions were given to them regarding toleration, others felt that exiling the Jesuits and other regulars would be unjust and that agreeing to such terms would not portray the community, or its promises of fidelity and allegiance, in a positive light.¹¹⁵⁶

Amidst this lack of consensus, the meeting broke down. This disunity brought an end to any productive negotiations between representatives of the English Catholic community and the State. Without unity, the chapter's hopes for a bishop and the English Catholics' hopes for official toleration were crippled. As Francis Gage had lamented in July 1660, 'In fine nothing but our discord ruins us'.¹¹⁵⁷ The community needed little outside help from their enemies to render them politically ineffective.

Blame for the failure of the proposals was aimed squarely at Clarendon, who many English Catholics believed, was ultimately responsible for the divisions within the community. Clarendon had formed proposals with the knowledge that the clauses would provoke division. It was also believed, even by Charles, that Clarendon had suppressed the committee's proposals to ensure they could not be enacted. Certainly the proposals never proceeded and, if implemented, would badly have disrupted Clarendon's carefully balanced Anglican/Presbyterian settlement, yet the Commons disrupted Clarendon's settlement anyway. But it has been shown that Clarendon was still in contact with the nuns and his approaches to Rome to secure a cardinal's hat for d'Aubigny suggest that he felt that the English Catholics should be compensated for the help given to the court in exile.

Bristol held Clarendon personally responsible for the proposal's failure. There had been tension between the two men since Clarendon had persuaded the king to dismiss Bristol from his honorary post of high steward on account of the latter's Catholicism. Clarendon had also lobbied successfully against Bristol's attempt to

¹¹⁵⁶ J. Gerard, *The Popish Plot and its newest Historian* (London, 1903), p.25; F. Veron, *The Rule of the Catholick Faith sever'd from the opinions of the schools, mistakes of the ignorant, and abuses of the vulgour* (Paris, 1660); Arnauld, *The New Heresie of the Jesuits*.

¹¹⁵⁷ AAW, A xxxii, no.17.

negotiate a marriage between Charles II and the daughter of one of Bristol's Italian clients in Spain.¹¹⁵⁸ The subject of toleration for the English Catholic community inevitably fell victim to this rivalry and personal detestation. The ensuing fall-out between Bristol and Clarendon over the king's ecclesiastical prerogative led to Bristol's spectacular fall from grace, increased attacks on Clarendon in parliament and ensured the failure of Catholic attempts to secure a bishop after the Restoration.

6.4. Clarendon and Bristol's dispute.

After the Cavalier Parliament agreed to adopt the revised Prayer Book for use in all religious services, the Act of Uniformity was finally passed in May 1662. It required all religious ministers to declare their agreement with the entirety of the new Prayer Book and to ensure its use in all Church of England services. Ministers omitting to do so would be ejected from the Church. This played only one part in what became known as the 'Clarendon Code', the religious settlement that would not tolerate dissenters. Other parts included the Corporation Act, requiring those refusing the Oath of Allegiance to be excluded from borough corporations and to take the Anglican sacraments, and the act against the Quakers in May 1662. Bristol was strongly against the Act of Uniformity, particularly since it flew in the face of the Declaration of Breda. The issue was much debated in parliament, specifically the extent of the king's power over ecclesiastical law; did the king have the power to dispense with such a law?¹¹⁵⁹ Bristol argued that the king had much more autonomy to do this than Clarendon's arguments allowed. Bishop John Cosin waded into the debate, arguing that the king held no power whatsoever to change or dispense with ecclesiastical law.

One can see why Charles seemed determined to escape the coercive grip of the Anglicans after 1660/1 and why he began appealing to the English Catholics with a declaration in favour of indulgence in 1663. Purely out of one-upmanship Bristol changed his argument, agreeing with Cosin against Clarendon, although this completely contradicted his initial statements. Bristol then encouraged the English Catholic

¹¹⁵⁸ R. Hutton, 'George Digby (1612-1677)', *ODNB*; Hutton, *Restoration*, p.168.

¹¹⁵⁹ Seaward, *Cavalier Parliament*, p.176.

community to join with other non-conformists to petition against the Act in pursuit of toleration. The replacement of Edward Nicholas, the secretary of state, with Henry Bennett, a man with his own quarrel with Clarendon (who had blocked Bennett's advancement earlier in his career) provided much needed assistance to Bristol's plan. A strong anti-Clarendon bloc formed, with influential members such as Bristol, Bennett, Thomas Clifford, Lord Thomas Strickland and the queen mother. This sought to put an end to Clarendon's plans for a religious settlement and thus his power. The main focus for this bloc seemed to be to achieve toleration for the English Catholics, with many of the group Catholics or converting to Roman Catholicism.¹¹⁶⁰

Bennett quickly became a favourite and increased his influence over Charles II. By September 1662 he had replaced Clarendon in mediating between the king and the queen.¹¹⁶¹ By late December Bennett had helped Charles II to draw up the First Declaration of Indulgence, which sought to honour the promises made in the Declaration of Breda to favour liberty to tender consciences, provided they did not disturb the kingdom's peace. In the second session of the Cavalier Parliament in February 1663 the Declaration was rejected, unsurprisingly since the parliament was made up mainly of Anglicans whose main focus was to not to give leeway to Presbyterian ministers, but who resisted toleration for English Catholics.¹¹⁶² By April Charles had reluctantly accepted Parliament's decision. Through Clarendon, he had attempted one last time to secure a degree of toleration for the English Catholics. Clarendon:

expressed his majesty's sense of obligation towards the Catholics, declaring that at the time of his exile they had displayed the most extraordinary charity towards him, so that he recognised in indebtedness to them for his life and consequently for his crown. He mentioned among others a convent of Benedictines in Flanders which had supplied him with considerable sums of money for his personal needs, and so his majesty wished to show corresponding gratitude.¹¹⁶³

Clarendon's plea fell on deaf ears, however, as the Commons dismissed Charles's indebtedness as a 'personal obligation' that should be repaid in a way that was not

¹¹⁶⁰ Ibid. p.88.

¹¹⁶¹ Hutton, *Restoration*, p.193.

¹¹⁶² CSP Ven, 1661-1664, pp.234-235, 237, 238-239.

¹¹⁶³ CSP Ven, 1661-1664, p.241.

‘repugnant to the state religion, the quiet of the country and the laws’ of the kingdom.¹¹⁶⁴ Charles soon withdrew the Declaration of Indulgence. The fortunes of the English Catholic community now turned even further, as magistrates began to campaign for the collection of recusancy fines and plans were made to expel all Catholic priests.¹¹⁶⁵ Worse, from a Catholic point of view, was still to come.

By the end of 1662 there was much resentment against Clarendon. His political enemies, in particular Bristol, even planned to have him impeached. By the time the Cavalier Parliament sat in 1663, attacks against Clarendon had increased – from those, like Bristol, who wanted an alternative religious settlement that would benefit non-conformists, and from MPs who held Clarendon responsible for the sale of Dunkirk back to the French (perceived by some as a worrying way for the king to bypass Parliament for revenue).¹¹⁶⁶ Bristol made an ill-advised agreement with the MP Sir Richard Temple to orchestrate the House of Commons in the king’s favour.¹¹⁶⁷ When news of this leaked the Commons were infuriated. Bristol was abandoned by all his allies and was, humiliatingly, made to protest his innocence to the House.

In his Commons address Bristol argued that his religious allegiances did not interfere with his political ones.¹¹⁶⁸ On the 10th July he launched an attack on Clarendon, petitioning the Lords that the Lord Chancellor was guilty of treason, for ‘traitorously and maliciously’ alienating the king from his subjects by insinuating that Charles II was inclined to popery and to re-establish Roman Catholicism in England.¹¹⁶⁹ Bristol further accused Clarendon of soliciting a cardinalate for sieur d’Aubigny, kin of the king and the queen’s Almoner, with the help of Catholics and Jesuits, in exchange for the abolition of penal laws against Roman Catholicism in England and to acknowledge the

¹¹⁶⁴ Ibid. A couple of weeks later the Venetian ambassador in France reported that lists were being taken of all Catholics priests residing in prison and the charges against them, in order that they could be dispatched out of the kingdom: ‘As a sequel Parliament has declared to the king that they wish to repay twofold what was done for him in the late troubles by the Benedictines and other Catholics.’ (CSP Ven, 1661-1664, p.244.

¹¹⁶⁵ CSP Ven 1661-1664, pp.242-243, 241, 249, 251-252, 255.

¹¹⁶⁶ P. Seaward, ‘Edward Hyde (1609-1674)’, *ODNB*.

¹¹⁶⁷ Hutton, ‘George Digby’.

¹¹⁶⁸ Hutton, *Restoration*, p.277.

¹¹⁶⁹ JHL, XI, p.555 (10th July 1663).

pope's 'Ecclesiastical sovereignty' which was against the laws of the kingdom.¹¹⁷⁰ All this, Bristol argued, was an attempt to discredit the king. Charles II was furious, condemning Bristol on 4th August 1663 for being a papist or popish recusant and ordered that the recusancy laws should be enforced against him.¹¹⁷¹ Digby would not recover his position of favour, d'Aubigny would never get to wear a cardinal's hat and the English Catholics would neither achieve full toleration nor a bishop under Charles II, despite their continual protestations of loyalty to the king and the royal family.¹¹⁷²

Bristol's denunciation of Clarendon's schemes for d'Aubigny had far-reaching consequences. The king was forced to deny all knowledge of any plan to make his cousin a cardinal and Bellings' mission in Rome to achieve this was initially suspended. Perhaps the best chance to unite the divided Catholic clergy and community under the administration of one man was thereby ruined by Bristol's vindictiveness. Ironically, he destroyed the one thing he had always sought to procure.

6.5. Sieur d'Aubigny, and the English Catholics.

Louis Stuart, sieur d'Aubigny, could have been the answer to the English Catholic community's woes. A priest who was popular at court, politically astute and was generally liked by both seculars and regulars, who were keen to use him to gain access to Charles II, sieur d'Aubigny would have provided the best hope of creating a unified Catholic community and official toleration.¹¹⁷³

D'Aubigny had advised Charles during his exile about his policy towards the English Catholics. As discussed in chapter four, Charles had written to d'Aubigny in 1657, asking the priest's advice on what action the court should take to advance the king's cause and the Catholic religion at the same time.¹¹⁷⁴ Richard Bellings, the royalist Irish Catholic, had written back to Charles II on behalf of d'Aubigny with his

¹¹⁷⁰ Ibid. pp.555-7.

¹¹⁷¹ CISP, 80, ff.155-6 (Order, 4th August 1663).

¹¹⁷² S. Cressy, *Roman Catholic Doctrines no novelties: or an answer to Dr Pierce's court sermon, miscalled the primitive rule of reformation* (London, 1663), The epistle dedicatory; T. Blount, *A new almanack after the old fashion for 1663* (London, 1663).

¹¹⁷³ Hay, *Jesuits and the Popish Plot*, p.84.

¹¹⁷⁴ CISP, 55, f.982 (Hyde to the king, 13th July 1657).

recommendations (including allowing the duke of Gloucester to convert to Roman Catholicism) and declarations of his allegiance to the king. The mere fact of these proposals was remarkable: as d'Aubigny, the king's relative, had been approached by Charles to come up with ideas to further the English Catholics' affairs. Clarendon, however, put an end to the proposals, informing Charles that they were unfit and unreasonable. He wrote, on behalf of the king, a letter refuting d'Aubigny's and Bellings's plans.¹¹⁷⁵ This sparked a degree of animosity in d'Aubigny towards Hyde, but failed to stop him playing a part in further attempts at reconciliation between Charles, the pope and the English Catholics.

In February 1658 it was reported that sieur d'Aubigny was 'very sincere' in his desire to serve Charles and had endeavoured 'by all ways possible to go to Rome' but the exiled court had refused his help, no doubt a decision made by Hyde, considering his earlier reaction to d'Aubigny's proposals.¹¹⁷⁶ It was thought that d'Aubigny had a good reputation in Rome and his presence there would advance the king's business. Two years later, in April 1660, d'Aubigny demonstrated his political acumen during a meeting with Lord Jermyn concerning the king's restoration. Foreseeing that the terms offered to the king would be drawn up by the Presbyterians, d'Aubigny and Jermyn still believed that the king should accept them.¹¹⁷⁷ In explaining his views to a disgruntled Henrietta Maria, who feared that the Presbyterians would enforce the terms they had attempted to impose on Charles I, d'Aubigny reassured her that it was better to accept the terms and have 'a king crowned and in his own dominions' and then make changes to them once in power, than to have an exiled prince who could do nothing. D'Aubigny's support for this plan was so fervent that he wrote congratulating and encouraging Charles to negotiate and accept whatever terms were offered.¹¹⁷⁸ Eight days later d'Aubigny celebrated the 'easy terms' offered to the king.

¹¹⁷⁵ CISP, 55, ff.982, 983 (As above; Reply to Mr Bellings' proposals).

¹¹⁷⁶ Thurloe, VI, p.765.

¹¹⁷⁷ Thurloe, VIII, p.892-3.

¹¹⁷⁸ Ibid.

D'Aubigny's determination to assist the exiled king in the interests of the English Catholic community served him well. He accompanied the king back to England and took his place in the Stuart court. Towards the end of 1662 the king sent Bellings to Rome on a secret mission to procure d'Aubigny a cardinal's hat, although the proposals were well known in Rome before Bellings left England.¹¹⁷⁹ In April 1662 Patrick Con, Cardinal Barbarini's agent, wrote to William Leslie, the Scottish chapter agent in Rome, indicating that the proposals concerning d'Aubigny were regarded unfavourably by the papal court.¹¹⁸⁰ Not only had d'Aubigny previously been connected to the French Jansenists, but also Charles had not repealed the recusancy laws enforced against English Catholics as he had promised, although they had not been persecuted on the king's return and d'Aubigny and other priests attended the queen at court wearing their clerical habits.¹¹⁸¹

On Bellings's arrival in Rome the proposals were 'coldly' received.¹¹⁸² As well as issues discussed above, Bellings had also brought proposals from the king for the possible reunion of the Church of England and the Church of Rome.¹¹⁸³ The proposals outlined a plan for the kingdom to make a final submission to the Church of Rome but only on the basis of essentially Gallican principles. Unsurprisingly Charles demanded a high degree of independence from papal jurisdiction and insisted that the infallibility of the pope was not to be discussed at any point either in services or controversialist tracts.¹¹⁸⁴ These proposals did not go down well. The decision over whether d'Aubigny should be granted a cardinal's hat rested not with the Cardinal Protector of the English Catholic community but with the pope, then preoccupied with the somewhat aggressive manoeuvres of Louis XIV.¹¹⁸⁵ Added to this, the pope did not want to upset Spain by

¹¹⁷⁹ CSP Ven, 1661-1664, pp.195-196.

¹¹⁸⁰ Hay, *Jesuits and the Popish Plot*, pp.86-9.

¹¹⁸¹ Ibid. p.90.

¹¹⁸² Ibid. p.89.

¹¹⁸³ L. Von Ranke, *A History of England principally in the seventeenth century*, III, (Oxford, 1875), pp.398-400.

¹¹⁸⁴ R. Clark, *Strangers and Sojourners at Port Royal. Being an account of the connections between the British Isles and the Jansenists of France and Holland* (Cambridge, 1932), pp.92-4.

¹¹⁸⁵ Hay, *Jesuits and the Popish Plot*, p.89.

making a Portuguese queen's almoner a cardinal.¹¹⁸⁶ Bellings returned to England in 1663 with little short of a refusal.

D'Aubigny probably would have made a good head of the English Catholic community during the Restoration period. He did much to try to unite English Catholics after the chapter's divisive behaviour. Patrick Con twice reported that d'Aubigny had met with the Jesuits in London. During the first meeting d'Aubigny promised the Scottish Jesuit priest George Paterson that he would help the Jesuits if they wanted him to. Following the inevitable fallout from the meetings of the chapter and Lords committee, and the meeting of prominent Catholics in 1661, d'Aubigny wrote to a friend informing him that he was working tirelessly to try 'to save the good Jesuit fathers from a fierce and unexpected misfortune'.¹¹⁸⁷ Even Father Thomas Courtney worked behind the scenes in Rome with Bellings to encourage the papacy to respond favourably to the king's request.¹¹⁸⁸ Courtney wrote to the Jesuit Assistant General encouraging him to support the proposal.

Bristol's denunciation of Clarendon and his revelation of the plan to make d'Aubigny a cardinal ended Charles's campaign. The explosive potential of the strategy for d'Aubigny's elevation as a cardinal if Charles's protestant subjects became entirely aware of it cannot be overestimated. Charles was forced swiftly to denounce Bristol. His denial of such plans only further disadvantaged d'Aubigny's proposed advancement. When the papacy's list of new cardinals was distributed in the early months of 1664 d'Aubigny's name was not on it. Miraculously the papacy had a sudden change of heart a year later, following the death of Philip, King of Spain, and d'Aubigny was created vicar apostolic and cardinal in the autumn. Yet d'Aubigny died just a few hours before the cardinal's hat would have been delivered to him. Charles II had missed the chance to separate the English Catholic community from papal jurisdiction and gain control over the community himself. The English Catholics had lost the opportunity to gain an established episcopal government to rule over and unite them.

¹¹⁸⁶ Ibid. p.90.

¹¹⁸⁷ Ibid. p.82-3.

¹¹⁸⁸ Ibid. p.92.

6.6. Conclusion.

This chapter has shown how the political circumstances of Charles II's restoration heightened the antagonisms felt by the English Catholic clergy and the laity as they searched for toleration and gave assurances of allegiance to the temporal power. It has demonstrated the implications of these issues for Catholic beliefs about the pope's power, spiritual or otherwise. Gallicanism and the emergence of Blackloism had muddied the waters. During the Interregnum the disunity amongst the English Catholic community had worked to their advantage; it meant that each faction made differing, successive and competitive approaches to a wide range of interested parties and left a variety of options open. Unintentionally the community procured different sets of allies. Restoration politics were different. The only effective ally the English Catholics could have was the king. Clarendon's favour might have helped them achieve this. To become a politically successful religious party at the Restoration the English Catholics needed to be unified, with clear and fixed ideas of the terms for toleration to which they could agree. The Catholic community were keen to take an oath of allegiance to the king but were divided on the exact wording. The clergy in particular could not agree on its clauses, because ultimately they could not agree which section should have control over English Catholicism. Prospective clauses for the oath of allegiance became inextricably bound up with competing orders trying to banish or denounce each other from the mission. As a result the laity were drawn into the factional arguments.

This chapter has also demonstrated the continuing political relevance of the English Roman Catholics within a European context. Charles sought to grant tolerance to his Roman Catholic subjects and then tried to take control of the community through the various oaths and the promotion of d'Aubigny to the cardinalate. When he dealt with English Catholics, Charles II was working within a European political framework. The English Catholics were still pawns in the power struggle between the temporal power of England and the spiritual power of Rome.

7. Conclusion

This thesis has worked the English Catholic community into established narratives of the English civil war, the Interregnum and the restoration of Charles II. I have moved away from confessionalised accounts of English Catholics during this period and have used Catholic generated sources alongside hostile and state produced material to contextualise the community's actions within a wider national and international political framework. I have thereby challenged existing contemporary and historiographical concepts of English Catholicism which deploy an either/or 'royalist/neutralist', dichotomy. English Catholics continued to be a serious political force throughout the 1650s, in a similar way that they had been in the 1620s and 1630s. Even before the outbreak of civil war, the Catholic clergy were attempting to negotiate the political issues that arose during the Long Parliament. English Catholic priests saw the opportunity to align themselves with the king against puritan criticism of the government of the Church. This behaviour was not stopped by the civil war, and the Interregnum provided a platform from which the English Catholic community attempted to exploit the unsettled nature of the post-1649 settlement.

With a focus on the English Catholic clerical court around London, this thesis has shown that the issues that had dominated the community since the rise of a Catholic seminary-trained clergy during Elizabeth I's reign – episcopacy, oath taking and negotiations for toleration with the State – remained contentious throughout the 1640s, 1650s and the 1660s. The same pre-war Catholic interest groups remained active. Those who looked towards France and those who looked towards Spain (and the ecclesiastical authority of Rome) were joined by the emerging Blackloist faction. All these competed to impose their own visions for the future of the community upon their rivals. As had been true in the 1620s and 1630s, these groups took the opportunity of political flux to attempt to gain increased leverage over their co-religionist opponents. The execution of the king, for example, saw different responses from the English Catholic factions. The Francophiles largely stayed loyal to the Stuart court and to Richard Smith, bishop of

Chalcedon (both in exile). The Hispanophiles saw the king's death as an opportunity to conduct negotiations (together with the papacy and Spain) with the new regime to gain not only official toleration but also control over the English Catholic community. The Blackloists also attempted to negotiate with the new regime but envisaged the community operating along predominantly Gallican lines, excluding both the Stuarts and the papacy. These desperate responses continued as the English Catholic community traced the twists and turns of national and international politics through the 1650s. Beyond this factionalism, it should be noted, the English Catholic clergy still managed to undertake their spiritual duties and responsibilities as they had done before the civil war. Rules and regulations for new priests on the mission were made, directives were issued for the distribution of financial aid and general assemblies and meetings were held. But the partisan politics of the Catholic community proved both an advantage and a fundamental obstacle to toleration.

English Catholics were able to operate along these divisional lines because their cooperation, symbolic or otherwise – or that of their overseas supporters – was potentially useful to parties seeking to gain power within England. After the execution of Charles I, the division between the Independents and the Presbyterians on how the kingdom should be governed meant that Cromwell and the Independents had to look to the English Catholics, France and Spain to cement their dominance over national government. They also wanted to make sure that neither Catholic power would help the exiled Stuarts to restore the monarchy. The English Catholic community became a bargaining chip with which to launch negotiations and alliances. This required delicate manoeuvring, since Cromwell could not be seen to be too lenient towards English Catholics. Many still regarded them with great suspicion and he needed domestic support for the Protectorate. Cromwell's responses to the English Catholics were varied: before parliaments were called there was an increase in persecution of Catholics, but at times of foreign policy manoeuvring English Catholics were integral to negotiations. Financially persecuting English Catholics also provided a relatively profitable option for an increasingly cash strapped regime. Cromwell's attitude towards English Catholics

during the 1650s should be considered with less regard for twenty-first century notions of religious toleration and more for the Protector's seventeenth century political needs.

Similarly Charles II, whilst in exile, also attempted to use the English Catholic community as a means secure a series of understandings with foreign powers that might help restore him as king. Charles frequently proffered official toleration if he were restored to the throne, particularly to the English Catholics themselves, but also to the papacy and to Spain. Declarations of Stuart support for the English Catholics were not entirely believed, which is not surprising considering Charles's concessions to the Scots in 1650, his refusal to sanction the conversion of his brother the Duke of Gloucester and his dismissal of sieur d'Aubigny's proposals in 1657. Indeed, the papacy abandoned support for the Stuart cause once Ireland was lost to Cromwell in 1650 and Spain only negotiated a treaty with the exiled court in 1656 in response to the Anglo-French Treaty in 1655. Charles too had to negotiate the precarious line of supporting the English Catholics to garner European support without alienating his Protestant supporters.

The actions, discussions and decisions of the factions of the English Catholic community were not random or panicked responses but deliberate attempts, at specific points, to try to take advantage of fleeting favourable circumstances after the defeat of Charles I. Certainly one can see that there were key moments between 1640 and 1662 that might have brought the English Catholic campaign for a degree of official toleration to fruition. English Catholic negotiations with the Independents during the late summer and autumn of 1647 seemed an opportune time for such endeavours. When the Army itself questioned and debated not only the political rights of men but also the right to worship freely, the moment English Catholics had been waiting for seemed to have arrived. The Blackloists, in particular, thought this an ideal time to begin negotiations, as did other members of the clergy and the leading Catholic laity. Their proposals were peppered with printed Catholic tracts supporting religious toleration and oaths of obedience and loyalty to king and parliament.

But the favourable conditions changed rapidly. The papacy did not support any of the proposals (much to the fury of the Blackloists) and punished the clergy because they were worried about the ramifications for papal power. There was unrest in the army followed by Cromwell's attempts to reassert the authority of the General Council and the king's escape from Hampton Court and subsequent Engagement with the Scots. The moment was lost. Archival silence seems to indicate that English Catholics withdrew from the fray and waited to see how events would unfold. It was not really until after the execution of the king that English Catholic political agitation again began in earnest.

The year 1655 also signified a possible turning point for the English Catholic community. The deaths of Pope Innocent X and Richard Smith, bishop of Chalcedon, in January and March, and the Anglo-French peace treaty in October, once again seemed to augur well. The clergy began campaigning for the establishment of a new bishop. However, circumstances did not offer quite the same potential for success in 1655 as they had in 1647. The abortive Penruddock's rising in March 1655 was followed by the establishment of the rule of the Major-Generals and a period of increased persecution for English Catholics. Added to this, the papacy, egged on by those regulars who did not want to come under the jurisdiction of a bishop, would not support the campaign. Since each faction wanted to place their own applicant in position the clergy could not come to an agreement over a possible candidate in any case. This weakened their campaign considerably and would continue to do so after the Restoration.

The negotiations in 1661 presented the English Catholics with arguably the strongest opportunity to achieve official toleration since the beginning of the Stuart reign in 1603. Nearly all the elements were there to bring about a long-awaited success. The new king was already well disposed towards the community, he had already signalled (so the Catholics thought) his intentions towards religious toleration in the Declaration of Breda. Catholic members of the House of Lords had also been able and willing to take their seats in May 1660 and were, for once, not the most hated members within parliament – the Presbyterians found themselves in that position. Proposals for toleration were presented to the Lords the following year. A committee was set up to discuss how,

and to what extent, toleration for English Catholics could be achieved. Further to this, the king even gave his permission for the secular clergy to hold their General Assembly. This agreed an oath of fidelity and obedience to the State that all Catholic clergy in England would have to take. But the unique position that the English Catholics now found themselves in was ruined by the community's factional infighting. There was fierce disagreement over exactly what conditions English Catholics would accept. Some members of the secular clergy were willing to advocate banishing the Jesuits, securing a bishop and striking out from complete dependency on the papacy. Other secular clergy (such as Leyburn), along with members of the regular clergy and their many supporters within the laity, did not want independence from the papacy or a bishop. The Jesuits were outraged about plans to banish them from the English mission. These factional disputes were played out in full public view, complete with accusations of treachery, Blackloism and meddling. Thus the rival proposals, petitions and negotiation came to nothing. The failure to take advantage of the opportunity for official toleration during 1661 was a costly mistake, especially when one takes into account the king's plans for sieur d'Aubigny.

At the heart of the divisions within the English Catholic was their inability as a community to find and assume an *English* Catholic identity; an identity which could be faithful to the doctrines of the Roman Catholic Church yet pledge unquestioning loyalty to their own country in the face of a foreign threat from a co-religionist power. These issues were also part of a much wider struggle: a struggle over allegiances partially defined by religion.¹¹⁸⁹ Although the English Catholics' position was strengthened because they were members of an international Church, this was also what weakened them. Gallican ideology provided the answers for some, but raised fierce criticisms from others. The papacy was continually fighting against the erosion of its authority by either co-religionist or heretical rulers demanding independence or dominance over their own Catholic subjects. The English Catholics were caught up in this struggle and the papacy did little to help them in their predicament.

¹¹⁸⁹ A argument that Gabriel Glickman makes strongly in his *The English Catholic Community*.

Recent historiography of James II's reign and the English Catholic community during the first half of the eighteenth century has indicated that the factions within the community still existed and English Catholics continued to grapple with these same ideological problems. Obviously when James II ascended the throne on 6th February 1685 English Roman Catholicism, its identity and its nature, became even more central to English domestic and foreign policy than they had before because of the new king's Catholicism. Steven Pincus, in his study *1688 The First Modern Revolution*, has shown that the English Catholic community were strongly divided over James II's policies and style of government. James II adopted Gallican principles because such ideologies suited the new king's desire for the centralisation of government and the autonomy of monarchical power.¹¹⁹⁰

Pincus argues that James's adoption of Gallican principles meant that his rule should not be understood in terms of a 'merely Catholic regime'.¹¹⁹¹ James's Gallicanism seriously divided the Catholic community in the same way that Gallicanism had divided European Catholicism. It pitched English Catholic independence against pro-papal Catholic groups, who viewed dependence on the papacy as a non-negotiable part of the Catholic faith. There were those that supported James and benefited from his reign but many Catholics warned against James's absolutist stance. They feared the consequences of his perceived abuse of power and his zealousness in re-establishing Roman Catholicism. There was also, until late 1687, no prospect of a Catholic heir to the throne so there was a real fear among Catholics of future reprisals.¹¹⁹² In a speech made in November 1685, Lord Bellasis declared that he was strongly against James' intention to keep Catholic officers in the Army because this went against established law. The Benedictine Cardinal Philip Howard advised the king to take 'slow, calm and moderate courses' in promoting Roman Catholicism.¹¹⁹³ Leading members of the community such as Sir William Goring, Lord Baltimore, the Marquis of Powis, the Catholic bishop John Leyburn, Robert Brudenell and John, Lord Bellasis were all critics of James's

¹¹⁹⁰ S. Pincus, *1688: The First Modern Revolution* (New Haven and London, 2009).

¹¹⁹¹ Pincus, *1688*, p.478.

¹¹⁹² This is clearly shown by John Miller in his *Popery and Politics*, p.223.

¹¹⁹³ Pincus, *1688*, pp.140-142.

government. The same Catholic family names appeared criticising James's Gallicanism as had been against the Gallican ideology of the Blackloists in the 1650s and early 1660s. Members of the English Catholic community also despised the prominent role the Jesuits were taking in James's court.

Opposition to his style of monarchy was based on the ideological debates held in the 1640s and 1650s concerning the rights of men, freedom of religion and limitation of constitutional and monarchical power.¹¹⁹⁴ Therefore, Pincus argues, James's regime was not simply a Catholic regime but a *modernising* one, part of a European struggle that had been gathering momentum since the early seventeenth century. James's enemy was not Protestantism but the over-reaching power of the papacy. Some sections of the English Catholic community disliked James's rule because of its Gallicanism and its implications for doctrines of papal primacy, issues vital to their faith. They also, along with their Protestant counterparts, fought against James's absolutism. English Catholics knew, from past experience, what happened when the king went against the Protestant majority and was seen to abuse the rights of his subjects. The seventeenth century was a time of political endeavour in terms of popular concepts of the rights and privileges of the people and the English Catholics were part of this.

Gabriel Glickman, in his book *The English Catholic Community*, argues that even after the Glorious Revolution the English Catholic community still played a part in the national dialogue concerning loyalty, religion and politics.¹¹⁹⁵ After the Glorious Revolution, Glickman argues, English Catholicism did not fall silent, despite the penal laws. Nor did periodic exile for some Catholics, or the failure of the Jacobite cause, force the community to shrink into retreat. Glickman writes,

Far from sending the community into atrophy, the fragility of political life after 1688 opened up sweeping debates over recusant relationships with the temporal power, the chance of re-establishing a Catholic role in public affairs and the possibility of accommodation with Protestant compatriots.¹¹⁹⁶

¹¹⁹⁴ Ibid. p.8.

¹¹⁹⁵ Glickman, *The English Catholic Community*.

¹¹⁹⁶ Ibid. p.13.

James's 'abdication', or forced exile, at the end of 1688 therefore provided similar options for the English Catholic community to the defeat and execution of Charles I. The replacement of an old political regime with a new one made it possible to benefit from novel and uncertain times. Glickman also argues that the community was divided along European political and religious lines: those who supported the Spanish and Austrian monarchies, who backed James's overthrow as a way to counter French dominance, and those who supported France and the exiled English monarch.¹¹⁹⁷ The pro-Spanish and Austrian factions attempted to compose oaths of allegiance to William and Anne along pro-Austrian lines in an attempt to capitalise on 'diplomatic accord' between Vienna and London.¹¹⁹⁸ This is very reminiscent of the pro-French and pro-Spanish factions' attempts to utilize the negotiations between Cromwell, France and Spain during the 1650s to secure toleration from the new regime. Glickman argues that Whig diplomats were keen to further these pro-Austrian ideals as a way to 'eradicate points of contention' between England and her allies. This again seems similar to Cromwell's use of the English Catholics in his negotiations with Cardinal Mazarin thirty years previously. It can be no surprise that France was hostile to the formulation of these pro-Austrian oaths.¹¹⁹⁹

But to argue that there was some sort of 'continuity' of English Catholicism during this period would risk over-simplifying the politics of the community. The changing of political regimes, whether monarchical or republican, created opportunities for the community to take centre stage and make alliances with a range of interested parties. This examination of the post Restoration period demonstrates one of the most important conclusions of this thesis: the need to reintegrate research on the English Catholic community during the seventeenth century back into established interpretations of the period. Further research still needs to be undertaken to enable historians to gain richer insights into the English Catholic community during the mid seventeenth century and their ongoing involvement in national ideological debates over religion, politics and England's place within the world order. For instance, there needs to be research to

¹¹⁹⁷ Ibid. p.14.

¹¹⁹⁸ Ibid.

¹¹⁹⁹ Ibid.

reconstruct the patronage networks of the English Catholic laity during this period, so we might discover how far the laity were involved in clerical controversy. How did English Catholics operate on a day-to-day basis, what sort of dialogue did they hold with the State, and what were their connections with Catholics abroad? Similarly, more attention could be turned towards the Committee of Compounding papers to interrogate our understanding of official responses to the English Catholics – was there a pattern to the timing of the release of recusant estates from sequestration, for example? It would also be important to look at English Catholic material held in foreign archives, particularly in the archives of the Catholic colleges in France, Spain and Rome, to establish not only a fuller picture of clerical controversy concerning independence from the papacy, but also to trace patronage networks of both the clergy and laity to English Catholics abroad. This might also give us further insights into the politics of French and Spanish Catholics and the papacy. As has been shown in this thesis, Catholic sources can enrich our understanding of England's domestic and foreign policies – foreign Catholic archival material would certainly add to extant narratives. There is still a long way to go to place English Catholics back fully into the historiography of the mid-seventeenth century.

During the civil war, Interregnum and Restoration English Catholics, particularly the clergy, took on the role of both pawns and players in national and international political spheres. The deep domestic, and indeed foreign, divisions that were created in the aftermath of the civil war potentially provided an advantageous political environment for the English Catholic community. However, although English Catholics were able to fight on many different fronts during the seventeenth century, more importantly, and more damagingly, they fought each other. Ultimately, it was this inability to curtail their infighting, particularly at politically significant moments, that seriously limited the English Catholic community's chances of obtaining the religious and political freedom enjoyed by their Protestant counterparts. The participation in and reactions of the English Catholic community to the political upheavals of the 1640s and 1650s should no longer be understood simply in terms of numerical explanations of royalism or neutralism. Rather, both ideologically and politically, the community were

too sophisticated to operate along the simplistic patterns of allegiance and resistance to which early modern Protestant imagination condemned them.

Appendix 1. Timeline.

Aug – John Goodman (sec.) arrested	1640	April – May – Short Parliament Aug – Bishops’ war begins Nov – Long Parliament; Strafford impeached Dec – House of Commons report of reprieved priests; Root and Branch petition presented to Parliament; Laud impeached
July – William Ward (sec.) executed Sept – Edward Barlow (Ben.) executed Dec – 8 priests condemned	1641	Feb- House of Commons debate Root and Branch petition May – Strafford executed Oct – Outbreak of Irish Rebellion Nov – House of Commons passes Grand Remonstrance
Jan – Thomas Reynolds (sec.) & Edward Barlow (Ben.) executed April – John Lockwood (sec.), Edward Catterick (sec.) Edward Morgan (sec.) executed Aug – Hugh Green (sec.) executed Oct – Thomas Bullaker (Fran.) executed Dec – Thomas Holland (Jes.) executed	1642	Feb – Bishop exclusion Act March – Militia Ordinance Aug – Charles raises royal standard Oct – Edgehill; General Assembly at Kilkenny
April – Henry Heath (Fran.) executed Dec – Arthur Bell (Fran.) executed	1643	Feb – April – Treaty of Oxford July – Westminster Assembly Sept – Newbury; Ormond concludes peace with Irish Confederate Catholics; Parliament signs Solemn League and Covenant
Sept – John Duckett (sec.) & Ralph Corby (Jes.) executed	1644	March – Cheriton June – Cropredy Bridge July – Marston Moor Nov - Newbury
Feb – Henry Morse (Jes.) executed Aug – Brian Cansfield (Jes.) executed John Goodman dies in prison	1645	Jan – Creation of the New Model Army June – Naseby July – Longport Sept – Bristol falls to the Parliamentarians Oct – Rinuccini arrives in Ireland
June – Philip Powell (Ben.) executed Aug – Edward Bamber (sec.), John Woodcock (Fran.) and Thomas Whitaker (sec.) executed. Catholic petition asking for the repeal of penal laws drawn up but not presented	1646	March – Ormond signs peace with Confederates May – Charles surrenders to the Scots at Newark June – Oxford surrenders Oct – Parliament abolishes episcopacy
Late summer – Three Propositions presented to the Army, followed by the Catholic laity’s own proposals. Sep – Catholic petition presented to Parliament Oct – Blackloist attempt to close deal with the Independents.	1647	May – Houses vote to disband Army July – rioters invade Commons, Independents flee July – Aug – Army’s Heads of the Proposals Aug – Army reinstate Independents Oct – Nov – Putney debates Nov – Charles I escapes Dec – Charles concludes engagement with the Scots and rejects the <i>Four Bills</i>
	1648	Jan – Vote of No Address March – June – Risings July – Aug – Second civil war Nov – Remonstrance of the Army presented

		to Parliament; Declaration of the Army Dec – Pride’s Purge
Jan – Hispanophile priests reported for trying to break from Richard Smith’s authority	1649	Jan – Rump assumes power; the trial and execution of Charles I
July – Rumours of negotiations between Spain and the Pope, and the Independents	1650	Jan – Engagement Act May – Charles II approaches Rome July – Rome refuses to help Charles Sept – Rump passes Toleration Act
May – Peter Wright (Jes.) executed	1651	
June – Catholic petition presented to Parliament	1652	Feb – Rump’s Humble Proposals
Catholic marriage act March – Chapter meeting held without permission of Bsp Chalcedon	1653	April – Rump dissolved Dec – Instrument of Government; Oliver Cromwell becomes Lord Protector
June – John Southworth (sec.) executed	1654	Sept – Jan 1655 – First Protectorate Parliament Dec – Western Design launched
Jan – Pope Innocent X dies March – Bsp Smith dies English Catholic petitioning at Rome for a bishop begins Publication of Blacklo’s <i>Grounds of Obedience and Government</i>	1655	March – Penruddock’s Rising Aug – Rule of the Major Generals Oct – Anglo-French Treaty
Feb – Congregation of Propaganda in Rome reject Chapter’s demands for a bishop	1656	Sept – June 1657 – First session of second Protectorate Parliament
May – Blacklo agrees to submit writings to holy sea; Blacklo/Leyburn controversy temporarily silenced; Catholic General Assembly held	1657	Jan – Major Generals abandoned March – Anglo-French Treaty (offensive alliance) May – Cromwell formally declines kingship
July – Cardinal de Retz attempts to gain Charles II support from Rome	1658	March – Anglo-French alliance renewed Sept – Death of Oliver Cromwell; Richard Cromwell becomes Lord Protector
June – Chapter campaign in Rome for bishop but Charles II rumoured to have told the Papacy to refuse their pleas in case it endangers his possible Restoration Aug – Papacy censure Blacklo’s writing	1659	Jan – April – Third Protectorate Parliament May – Rump reinstated and demands Richard Cromwell’s resignation July – Aug – Booth’s Rising Oct – Army dissolves Rump; Monck demands its reinstatement Dec – Monck begins his march south
April – May – Catholic peers take their seats in the House of Lords July – Leyburn campaigns for a Vicar Apostolic in Rome Chapter publish their <i>Encyclical Epistle</i>	1660	Feb – Monck reinstates purged members of the Rump April – Declaration of Breda May – Charles II becomes King of Great Britain Aug – Act of Free and General Pardon, Indemnity and Oblivion Oct – Worcester House Conference
April – Brudenell made 1 st earl of Cardigan June – Catholic Peers approach House of Lords for toleration July – Committee meet to discuss a bill for toleration Sept – General Assembly held.	1661	April – July – Savoy House Conference May – First session of Cavalier Parliament July – Militia Act Nov – Act passed making it illegal to accuse Charles II of Catholicism Dec – Corporation Act
Walsh publishes his Remonstrance and is supported by the English Chapter	1662	May – Act of Uniformity Bellings’ mission to Rome

Appendix 2.

English Catholic clerical sources

The English Catholic clerical sources used in this research were taken from Main Series A and the Old Brotherhood sources held in the Archdiocese of Westminster Archives and manuscripts incorporated in the Anglia collection held in the Society of Jesus, British Province in Mayfair, London.

Archdiocese of Westminster Archives

The Main Series A archives held in Westminster were selected and bound into volumes in the nineteenth century. There are forty-nine in all, covering the period 1501-1792. Further boxed files from Series A cover the period 1799-1850. Volumes A 30 to A32, covering the years 1641 to 1667, have less material than earlier volumes. Volume A 30 (1641 to 1654) consists of 202 manuscripts; A 31, covering the period 1655 to 1659 is made up of 123 manuscripts; and A 32 includes 161 manuscripts from 1660 to 1667. As stated in the introduction, the contents of these volumes are mostly clerical correspondence between the chapter, their agent in Rome and contacts within the Catholic colleges on the continent. These manuscripts are predominately concerned with the organisation and hierarchical structure of the English chapter and theoretical issues, both of which influenced the way the chapter and parts of the English Catholic community interacted with the State.

The Brotherhood volumes are also held in the archives of the Archdiocese of Westminster. These too contain collected and bound correspondence of the English clergy, their agents in Rome and the Catholic colleges on the continent. Book One contains 190 manuscripts; Book Two has 210 manuscripts; Book Three, 267; and Book Four, 159 documents. Only Book One, Part Two and Book Two, Parts One and Two, were used during the research for this thesis which include material covering the late sixteenth to the late seventeenth centuries. Within these particular volumes material is

divided into headed subject sections, such as ‘Reasons for having a Bishop’ and ‘Papers in defence of the chapter’. Particular attention was focused on the sections that included correspondence to the Bishop of Chalcedon from priests Leyburn, Muscot and Gage, and the official correspondence of the chapter (to the Sede Vacante and reports of Assembly meetings) in conjunction with the private correspondence of John Sergeant, John Holland and Francis Gage. Book Two, Part Two also contains material directly linked with the Oath of Supremacy and Allegiance which included a declaration of allegiance to Charles II in 1662 and a profession of allegiance of Roman Catholics.

The manuscripts included in Series A and the Old Brotherhood volumes only include clerical (mostly secular) material and there is little reference to the English Catholic laity. Information can be gathered to give some indication as to national politics and the papacy’s attitudes towards significant events (for example, the restoration of Charles II) but mostly these comments are fleeting. However, once these clerical issues, discussions and arguments are placed in a wider context, further conclusions can be drawn. This material could also, if used as a springboard, tell us more about the set up and running of the English chapter on a day-to-day basis. In particular, there is much more to learn about Catholic districts, chapter meetings, and how frequently Catholic secular priests were able to administer to their patrons. One does have to be careful, however, when using these manuscripts, as much of the content of the material is conditioned by the factional disputes of the clergy. The opinions attributed to clerics should not therefore be taken at face value. Similarly the correspondence between the English secular clergy and the colleges abroad should also be treated cautiously as it was to these colleges and Rome that the clergy looked for financial support throughout the English Catholic mission.

The Society of Jesus, British Province Archive, Mayfair

The Anglia manuscripts transferred from Stonyhurst College in Lancashire to the Society of Jesus Archives, Mayfair, are kept in seven bound volumes which chart the early history of the Province. For the purposes of this thesis only Volumes Five, Six and Seven were used. Volume Five contains 120 separate manuscripts dated from June 1641

to September 1694; Volume Six includes 131 letters, relations and report covering the period 1136-1697. These Anglia volumes mostly consist of correspondence amongst the Jesuit clergy on the mission in Britain, their contacts residing in the Catholic colleges abroad, the Jesuit General and the papacy. This correspondence mainly deals with clerical issues such as the set-up, finance and success of the Jesuit mission in England, but there is also material that provides contemporary commentary on national politics. For instance, along with news reports from England covering the 1640s, 1650s and 1660s there are also accounts of priests' executions before the civil war, proposals to petition Charles I for toleration, a decree of the Protector's definition of treason, narratives of the dissolution of the Barebones parliament, a letter from Henrietta Maria to a newly instated General and a copy of papers delivered to James II after Charles II's death.

Most of the material included in these volumes however, is in either Latin or Italian. It was therefore not as widely used it might have been throughout the thesis although it is highly unlikely that any material thereby obtained would fundamentally alter the conclusions of this work. It would be particularly interesting to use Anglia A to see exactly what the Jesuits thought was going on within national politics, particularly during the coming of the Protectorate. It would also be of value to see how they felt, in their own words, about the concessions some Catholics were willing to make during the allegiance negotiations in 1662. It would also be intriguing to discover the links the Jesuit priests had to the community – how popular were they, for example, and in which parts of England.

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